tral Committee of the Communist Party. Statistics announced for the first time at the meeting of Georgi M. Malenkov and other speakers there show clearly the substantial success that has been attained.

Today, these data indicate, the heart of Soviet heavy industrial production is in the Volga Valley and the Urals, 1,000 miles and more farther west than in 1940. At the same time Soviet heavy industry is now so widely spread over the country that enemy capture of any one major area, or its complete destruction from the air, would not represent nearly the threat now that the loss of the vital Ukrainian coal and metallurgical complex posed in the early months of World War II.

VULNERABILITY CUT FOR OIL

The lessened Soviet vulnerability is most marked in the case of petroleum. In 1940 the Baku area and adjoining Caucasus sources of oil produced almost 27 million metric tons of oil, more than 80 percent of the total; today they account for only about 23 million tons, or less than half.

The new commanding position in Soviet petroleum output is apparently now held by the second Baku region, with wells spread over a vast area between the Volga and the Urals. This now accounts for almost 19 million tons of oil output, or 40 percent, of the total production, against only about 2 million tons, or about 7 percent, in 1940.

Baku alone is now apparently still below the 1940 production level, having failed to reach the 1950 objective of the fourth 5-year plan, and it is still lagging behind the desired tempo of production growth, after the great decline caused by the almost complete cessation of new drilling there during World War II.

The same general pattern is exhibited in iron and steel production. In 1940 the Urals and areas farther east produced only about 4 million metric tons of pig iron, 29 percent of the total, and about 6 million tons of steel, roughly 31 percent. Last year these areas produced almost 10 million tons of pig iron, 44 percent of the Soviet total, and 16 million tons of steel, or slightly more than half.

At the same time iron and steel production in European Russia, primarily in the Ukraine, exceeded the 1940 levels in 1951. European Russia last year produced about 12,300,000 tons of pig iron and 15,400,000 tons of steel as against 10,800,000 tons of pig iron and 12,400,000 tons of steel in 1940.

The great importance of Urals production in the current pattern of Soviet ferrous metallurgy output was indicated at the congress when one speaker revealed that one Urals area alone, Chelyabinsk Province, now produces substantially more pig iron, steel, and rolled metal than all of Czarist Russia did in 1913. This suggests that this area, which includes the giant Magnitogorsk works, now produces annually 5 million or more tons of pig iron and steel. In 1913 Russia produced 4,200,000 tons each of pig iron and steel.

In the pattern of coal production, the once dominant position of the Ukraine's Donets Basin has evidently been ended, and this region now produces only about one-third of all Soviet coal as against half of the total in 1940.

Mr. DANIEL. Mr. President, recently, Lieut. Gen. Leslie Grove expressed his views on this subject very forcibly. He clearly pointed out the interdependence of military defense and American industry and showed that national defense was both a military and a civilian problem. And he further pointed out the shortsightedness of both industry and Government in not dispersing the facilities for essential production.

It is hoped that the administration does fully realize this dangerous condition and that it will use every possible means to correct it. The Congress has demonstrated its full comprehension of the problem by enacting laws which are adequate to give the necessary incentive to industry for the dispersal of our essential plants.

The Defense Production Act of 1950 contains adequate provisions to enable industry to decentralize. But the provisions of the act are not self-operating. That act must be administered by the agencies to whom this power is delegated, these being the Office of Defense Mobilization and the Departments of Commerce and Treasury, with the counsel and assistance of the Department of Defense. While Dr. Flemming, Director of the Office of Defense Mobilization, in his report, states that all agencies are fully cooperating and that the policy is being effectively carried out, results have not been as great as they should have been, and obvious dangers have not been eliminated.

It is hoped that action by the administration will be more rapid and more effective than it has been in the past and that in the near future we will be as secure from treacherous sudden attack as human efforts can make us—that regardless of when or where we may be attacked, we will have been spared the human and industrial potential to fight and win any war that may be forced upon us. Present dangers are too great to countenance further delay.

RECESS

Mr. HENDRICKSON. Mr. President, in accordance with the order previously entered, I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 36 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until tomorrow, Thursday, April 8, 1954, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

WEDNESDAY, APRIL 7, 1954

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Eternal God, our Father, may this be a day when we shall live on the high levels of loyal devotion to lofty ideals and principles.

Gird us with wisdom and power for our particular tasks and may we feel that it is Thy work in which we are engaged.

Awaken within our minds and hearts a sense of divine guidance and a dauntless courage to follow where Thou dost lead.

Continue to bless our beloved country, our leaders and chosen representatives, our homes and churches, our schools and colleges, our hospitals, our farms and factories and all our Army, Navy, and Air Forces which are seeking to defend our liberties.

May we go forward with faith in the Captain of our Salvation whose strength is invincible. Hear us in His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Tribbe, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On March 31, 1954:

H. R. 8224. An act to reduce excise taxes, and for other purposes.

On April 1, 1954:

H. R. 5337. An act to provide for the establishment of a United States Air Force Academy, and for other purposes.

On April 2, 1954:

H. R. 5632. An act to provide for the conveyance of a portion of the Camp Butner Military Reservation, N. C., to the State of North Carolina.

INVESTIGATION OF COMMUNISM AND COMMUNISTS IN EXECUTIVE AGENCIES OF THE FEDERAL GOVERNMENT

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point. I want to speak about the gentleman who is conducting or has until recently been conducting hearings involving Communists.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Speaker, apparently some Members of the group who insist that the investigation of communism and Communists in executive agencies of the Federal Goverment as carried on by the distinguished gentleman from Wisconsin should cease—while many of this group have had a great deal to say, some have written much, and all condemned any containment of the individual's thought, or expression, or supervision over either—have reversed themselves in their attitude toward what is called McCarthyism.

Instead of meeting fairly, squarely, and publicly, the issue of fact, if that is of the utmost importance, as to whether the Army or a Member of the other body has accurately stated the situation which arose in a committee of the Senate, they have directed their charges against the chairman of that committee, who was doing the job. They have put him on trial, though for what offense it is somewhat difficult to understand.

They now go so far as to insist that no one, no matter how patriotic, able, or qualified he might be, should present the issue to the committee, if that individual approved of the chairman's efforts or perhaps had ever heard of him.

Presumably, the attorney who appears before the committee for the Army will speak for the Army. Presumably, he thinks the Army is right.

This is the first time I ever heard of a party to an issue being deprived of the assistance of counsel just because that counsel thought he was representing a worthwhile cause.

An attempt to determine what the gentleman from Wisconsin was trying to do is not so difficult if we listen to the cries of those who object to his efforts. From the noise that has been made, from a glance at the source from which it comes, one might conclude that Joe, and I do not mean ex-President Truman's "good old Joe," was hitting the Communists, their friends, and supporters. Who else is squealing? And what about?

OPERATIONS OF DEPARTMENT OF STATE UNDER PUBLIC LAW 584, 79TH CONGRESS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 365)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Government Operations and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State on the operations of the Department of State under section 2 of Public Law 584, 79th Congress, as required by that law.

The enclosed report contains a summary of developments under the program during the 1953 calendar year. It also includes a status report on executive agreements concluded with foreign governments pursuant to this legislation, as well as listings of names of both American and foreign recipients of grants, a detailed statement of expenditures, various statistical tables, and other information concerning the operations of this program during the 1953 calendar year.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *April 7, 1954.*

(Enclosure: Report from the Secretary of State concerning Public Law 584.)

INTERCEPTION OF COMMUNICATIONS

Mr. BROWN of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 492 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8649) to authorize the admission into evidence in certain criminal proceedings of information intercepted in national security investigations, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BROWN of Ohio. Mr. Speaker, I yield 30 minutes to the gentleman from Mississippi [Mr. COLMER].

CALL OF THE HOUSE

Mr. HAYS of Ohio. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] One hundred and fifteen Members are present, not a quorum.

Mr. HALLECK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 49]

Allen, Ill.	Heselton	Reed, Ill.
Barrett	Hoffman, Ill.	Richards
Battle	Jackson	Riley
Belcher	Kearney	Roberts
Bentley	Knox	Rogers, Tex.
Bonner	Krueger	Roosevelt
Boykin	Lyle	Scherer
Carlyle	McIntire	Sieminski
Chiperfield	Miller, Calif.	Sutton
Condon	Norrell	Velde
Davis, Tenn.	O'Brien, Ill.	Walter
Dawson, Ill.	O'Brien, Mich.	Welchel
Dingell	Patten	Williams, N. J.
Durham	Phillips	Wilson, Tex.
Hart	Powell	Yorty
Heller		

The SPEAKER. On this rollcall 384 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SPECIAL ORDERS GRANTED

Mr. PATMAN asked and was given permission to address the House for 20 minutes today, following the legislative program and any special orders heretofore entered, also to revise and extend his remarks and to include extraneous matter.

Mr. JAVITS asked and was given permission to address the House for 15 minutes on Tuesday next, following the legislative program and any special orders heretofore entered.

INTERCEPTION OF COMMUNICATIONS

Mr. LATHAM. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, this rule makes in order the consideration of the bill, H. R. 8649. The rule is an open one, and provides for 2 hours of general debate.

The bill that we are about to consider has been, and is known as the wiretapping bill; it is also known as the anti-traitor bill. What the bill seeks to accomplish is merely to improve a rule of evidence in the Federal courts.

Let us consider for a moment why it becomes necessary that we discuss this bill at the present time.

Back in 1934 the Federal Communications Act was amended and this provision was written into the act. I think it might be well that we read it so that we fully understand the picture here this morning. This is the provision of the act:

> No person not being authorized by the sender shall intercept any communication and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communication to any person.

Under the language of that law passed back in 1934, the courts have said, although it was never so intended, the courts have held that this language prohibits the introduction in Federal cases of evidence secured by wiretapping. The court has also gone further and prohibited the introduction of evidence which was secured indirectly and as the result of evidence obtained by wiretapping.

As the result of these cases and these decisions, many saboteurs have escaped conviction. As the result of these decisions, a very anomalous situation has arisen.

For instance, in the State of New York, in a $50 theft case, wires can be tapped and that evidence can be used. In the Judith Coplon case, a case involving treason, the evidence could not be used against an enemy of America. This is obviously a very anomalous situation. We hope to correct it here today.

Now that is the situation at which this bill is aimed. It attempts to plug that loophole. It serves to make certain evidence admissible in certain restricted types of cases.

We all know that in this country we do not generally like wiretapping and snooping on other people's telephones, so the Committee on the Judiciary in this instance wrote every possible restriction into this legislation. Let me just run through them with you for a moment.

First. This bill applies only in criminal cases. It has no application in civil cases.

Second. It does not apply in all criminal cases. It applies only in certain specified criminal cases having to do with national security, and the bill goes on and enumerates them. It applies in treason cases, in cases of sabotage, of espionage, sedition, and those coming under the Atomic Energy Act and in no other criminal cases, no other cases of any kind.

Third. The tapping under this bill can be done only with the written approval of the Attorney General.

Fourth. When the tapping is done, who does the tapping? Can any private eye or police detective, or any private individual tap wires under this section? The answer is "No." The tapping can be done only by the FBI and the intelligence divisions of the various defense agencies.

Fifth. There is another restriction in the law which is very important. It permits the admission of evidence only in cases where the evidence would not be otherwise inadmissible; in other words, if the evidence secured is inadmissible because it is irrelevant or immaterial it does not go in in any case.

It must comply with all the other requirements of the rules of evidence in order to be admissible.

Mr. Speaker, this bill would bring the procedure in the Federal courts in line with most of the States of the country. I understand that 31 of the States permit the admission of wiretap evidence.

This bill presents to the Congress an opportunity to strike a telling blow against the saboteurs and the traitors in this country who are today and who have in recent years plotted against the security of our country.

I urge that the rule pass and I hope every Member of the House will vote for the bill.

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut [Mr. DODD].

Mr. DODD. Mr. Speaker, it is with great reluctance that I arise in opposition to the adoption of this rule.

This is the first time that I have opposed the adoption of a rule.

Generally it is my belief that when legislation is reported favorably by a committee of this House, and has received the approval of the Rules Committee, the Members should be given an opportunity to debate and discuss the proposal and a chance to vote on it.

I have pursued this policy with respect to measures that I was opposed to and as a notable instance, while I am opposed to the admission of Alaska to statehood, and will vote against it, I have signed a petition to get this proposal before this House for a debate and for a vote.

It follows, therefore, that only in the most unusual circumstances and only for the most compelling reasons, will I oppose the adoption of a rule for committee-approved legislation.

The resolution which is before us sets up the parliamentary controls for H. R. 8649, commonly known as the wiretapping bill.

At this point let me parenthetically remark that I deeply resent the efforts to pressure and intimidate the Members of this House with respect to this legislation by giving to this proposal the nickname "antitraitor bill."

Is it intended that those who oppose this bill are to be called protraitor? I shall not take the time of this House to defend myself from that inferential charge. My record on that score is completely clear and is of long duration. This is an ironical situation for one in my position for I have been called hard names in my own State, for my activities against communism and communists and their dupes. It distresses me that the distinguished majority leader in referring to this bill last week on the floor of the House, used the slogan "antitraitor bill." I have great respect for the majority leader and I am of the opinion that he used this language without fully considering its implication, its inferences, and its use for purposes of intimidation.

From what I know of the gentleman from Indiana, he would not willfully create this atmosphere. And I am sure that he will agree on reflection that his unfortunate use of this language is not conducive to the kind of atmosphere in which this legislative body can most effectively work.

Let us here credit those who disagree with our views with the same good faith that we claim for ourselves.

I oppose this rule because this legislation is inadequate and because it compounds the confusion that already exists.

Lest there be any doubt that this is so, let me remind the Members of this House that from the time of the invention of the telephone, the question of wiretapping has troubled the best legislative and judicial minds of this land.

The present proposal does nothing to clarify the situation. It simply adds another patch to a legal crazy quilt.

The failure to clear up substantial doubts about the law with respect to wiretapping by the committee which has had this matter under consideration for a long time is reason enough for the rejection of this resolution. For in rejecting this resolution this House can serve notice that it will not entertain further confusing legislative proposals. If you will reject this rule, you will in effect say to this committee that before this House will consider the grant of additional police power to the executive departments of this Government, it insists that comprehensive and definitive and clarifying legislation be offered for consideration.

The glaring omissions of this bill are the greatest arguments against this rule.

First, it fails to make wiretapping by private snoopers illegal. And it fails to make divulgence of information obtained by private snoopers illegal. If this rule is adopted and this bill is passed, the abuses which have been complained about for many years in this country will go right on.

It does nothing to resolve the questions that have arisen with respect to the Federal Communications Act. The Department of Justice for many years, with its tongue in its cheek, has flouted the legislative intention behind the Communications Act by claiming that disclosure of wiretap information as between employees of the Department of Justice is not disclosure at all.

Every serious-minded person who has examined this situation knows that this Congress can straighten that matter out.

Thirdly, it does nothing about the problem of State and local wiretapping. The State of New York has legalized wiretapping and the disclosure of information obtained by wiretapping, although it has set up judicial supervision over these operations. But this is in conflict with the Federal statutes. The New York State law is illegal. What public officials do in New York under the wiretapping authority of the State of New York is forbidden under the Federal Communications Act, and if the Attorney General does his job he will prosecute them for it.

But let me assure you that there will be no prosecutions instituted now or if this bill is passed because the truth is that the Federal Government has dirty hands.

Surely this is a situation that can be easily clarified if this Congress is willing to face up to the job.

While authorizing wiretapping and the use of information obtained from wiretapping in cases involving national security, it makes no reference at all to the blackest of domestic crimes—kidnaping and extortion.

It reposes in one man a police power that the people of the United States have repeatedly refused to grant. And it does this without making provision for any of the traditional safeguards which have always been set up where grants of police power have been made. This bill is a supreme example of the often denounced practice of government by man instead of by law.

If it is suggested that these omissions which I have pointed out can be cured by amendment, let me add that the omissions are so numerous and the corrections so intricate that this House will be faced with rewriting this entire bill in a period of 2 hours, whereas this committee has had this proposal under consideration for many months. To rewrite this bill in this period of time and under this parliamentary situation would produce a legislative monstrosity.

Bound up in this whole controversy are questions which go to the very foundations of our Government. They are essentially the same questions which troubled men like Jefferson and Madison—that bothered minds of men like Holmes and Stone and Brandeis.

This is no way to legislate on a matter that is fraught with the greatest of constitutional questions.

We are to be given but 2 hours to weigh these great constitutional questions against this request for new and terrible police power. What we may do here in 2 hours will have far-reaching effect upon the lives of American people for centuries to come.

Therefore, the time granted under this rule is inadequate, and that is another reason for opposing its adoption by this House.

This is a time to slow down those who would rush us into great constitutional commitments from which it will be most difficult, if not impossible, for the American people to escape.

Let us vote down this rule and thereby serve notice on this committee that we want a comprehensive and thorough job done on this whole problem of wiretapping. The best way to serve that notice is to reject this rule, and I ask that the rule be voted down.

Thereafter, if the Judiciary Committee will prepare a bill which permits, under the supervision and authority of the Federal judiciary, the Department of Justice and the Department of Defense to tap wires and to divulge information obtained from such taps in a Federal court for cases involving national security, kidnaping, and extortion, I will vote for such a bill.

Secondly, if the Judiciary Committee will prepare a bill which makes all private wiretapping illegal, I will vote for such a bill.

Thirdly, if the Judiciary Committee will prepare a bill which prohibits the disclosure of any information obtained through private wiretapping, I will vote for such a bill.

Fourthly, if the Judiciary Committee will prepare a bill which authorizes, under judicial supervision, State and local wiretapping and the disclosure of wiretap information in State courts, I will vote for such a bill.

None of these things has been accomplished in this bill.

Again I urge that we vote this rule down and thus instruct the Judiciary Committee to rewrite this legislation.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. DODD. I yield to the gentleman.

Mr. CELLER. And the reason given is that the Attorney General's office does not prosecute its own officials who violate the law by wiretapping and, therefore, they say they cannot prosecute those who are outside of the department.

Mr. DODD. Of course, that is what I am talking about. That is why you cannot enforce the law. Those New York statutes and those statutes similar to those in New York are in direct violation of the Federal statute which forbids what they are doing. The Weiss case makes that perfectly clear. The Supreme Court said that intrastate telephonic communications are subject to the Communications Act, and the Communications Act says that sort of thing is forbidden. There are no two ways about it.

Mr. LATHAM. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Speaker, I rise in support of the rule and of the bill in the fashion in which it has been reported by the committee.

I normally would not have spoken at this time, but my ears are a little bit affected from flying in an airplane and I am going to leave here shortly to have something done about them, so I am taking this time to speak on this measure.

The gentleman from Connecticut who just preceded me expressed friendship for me. May I say I have the same friendship and admiration for him. But when I characterize this bill as an antitraitor bill I am not being facetious about it, and I think I am on completely justifiable ground.

He complained very vigorously of the fact that wiretapping is now going on, and it is. We all know that. The Federal Communications Act of 1934 does not prohibit wiretapping, it prohibits wiretapping and the divulgence of what is discovered in the tapping. So the courts have constantly held. This bill does not provide for any wiretapping that is not now being carried on within the law.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. The gentleman does not mean, by characterizing this as an antitraitor bill, that anyone who might vote against it is a traitor? I ask the question just so that will be clarified.

Mr. HALLECK. Of course not. I am just trying to give it the right kind of name. A lot of people who are opposed to it are calling it a wiretapping bill. I am trying to convince the Members generally, and that is on the right side of the aisle as well as on this side of the aisle, that that is a complete misnomer, that in truth and in fact this is an antitraitor bill.

No one is going to disagree with me that wiretapping presently goes on. The only prohibition is against the disclosure.

What does this bill undertake to do as a matter of end result? This is the only thing that is important. It undertakes to make admissible in evidence the interception of telephone communications in criminal prosecutions involving the security of the country. It simply gives to the power and majesty of the Government of the United States the right to use in evidence the facts that have been obtained, to send traitors and spies to jail. That is all there is to it.

As far as I am concerned, I am not impugning anybody's motives, but I do insist that we should grant to the people in our Government, the FBI and the intelligence agencies of our armed services, the right and the authority to use those facts in criminal prosecutions where the very welfare of the country is threatened. I say to do less than that is to jeopardize our own very security.

I would like to point out another thing. As has already been indicated here, the Supreme Court held by a 5 to 4 decision that the officers of the Federal Government are persons within the purview of the Federal Communications Act and hence they cannot disclose any evidence they have found in any kind of criminal prosecution.

Let us keep in mind this further fact when we talk about constitutional rights, and I say this with all regard for my very good friend from Connecticut: The courts have constantly held that the interception and disclosure of telephone communications is not a violation of the fourth amendment against unreasonable search and seizure.

So there is no constitutional question involved here at all. It is only a question of the interpretation of a statute created by the Congress of the United States. I have been on the Committee on Interstate and Foreign Commerce. I was on it for a long time. I know what we had in mind when we wrote that provision in the law. We never had in mind that we would so handicap and hamstring the officers of our Government as to permit the Judy Coplon's to walk out of court free. That is the situation we are trying to get at and to solve.

Let us keep another thing in line apropos invasions of privacy and such. If J. Edgar Hoover who, along with the administration, wants this bill in its present form, were to walk into a room and have a conversation with me and had a walkie-talkie in his pocket which conveyed the message down to the Raleigh Hotel where it was recorded, such a recording is evidence and it is admissible. If you set up a tape-recording machine in somebody's office or a dictaphone, evidence obtained in that manner would be admissible. If you listen through the wall or around the corner, that is admissible. So you see because it invades no guaranty of the fourth amendment to the Constitution, such evidence is admissible. But this matter of telephone conversations, by reason of what I say is a misinterpretation on the part of the courts, has been given a position that it should never have. I have heard people complain violently about accusations of being soft on communism, of being soft on traitors, and soft on subversives and spies. Well, everyone may vote as he pleases, but so far as I am concerned, I am going to vote to make it possible for the FBI and the intelligence officers of our Government to apprehend traitors and spies and send them to jail where they ought to go.

I understand that an amendment will be offered to require that before this operation may be carried on, the Attorney General must go to court and get an order upon a showing of reasonable grounds that certain specified crimes are being committed. Let me say with respect to that proposal that I am as great a believer in the courts as anyone, but what you will be doing by that is simply to complicate the whole process. You go into the court in these very delicate matters that can extend over a long period of time. The judge can require you to bring in evidence. Court attachés are there. People will find out about it. For 10 years I was a prosecuting attorney in Indiana. I used to get search warrants. Do you know that about half the time before the officers could get to a given place to do the searching, the folks were at the door waiting for them, inviting them to come in. In this very delicate situation, here are the limitations that are in this bill. First, it can be done only upon the written, specific authority from the Attorney General. May I say at this point, that such authority has heen asked by every Attorney General from Robert Jackson down to the present time. Incidentally, this proposal, as presently before us, has been recommended and endorsed by the last three Presidents, including the present President of the United States, Dwight D. Eisenhower. So you see, you must get the written certification of the Attorney General. While you may complain of the present Attorney General, and may I say to some of my friends on this side, that you have complained on occasion of former Attorneys General, nevertheless, the Attorney General of the United States is yet the responsible, high-placed official of the Government of the United States who has the responsibility for the protection of the Nation against criminals and subversives and traitors and spies. On the written certification of the Attorney General, the interception can be done only by the FBI or the agencies of the armed services. Then, where can it be divulged or disclosed? Remember, there is a severe penalty for a violation of that provision which sets out that such evidence may be used only in a criminal prosecution in a court for the violation of one of these statutes which are enumerated. All that it does is to make it easier for the people of our Government, charged with protecting us against traitors and spies, to catch them, and what is more, send them to jail.

Under these circumstances, why all the fuss and furor about this? If you insert the court provision in the bill not only do you make it possible for more people to know about it and destroy its effectiveness, but you slow up the process. There are all manner of reasons, not to mention the constitutional provisions, why that sort of thing should not be inserted in this bill.

So, for myself, may I say, let us stand up and be counted. Let us not be thin-skinned and too worried about the epithets that will be hurled around here about wiretapping being a dirty business. It is going on anyway, as the gentleman from Connecticut [Mr. DODD] said. If you want to go to the Committee on Interstate and Foreign Commerce to have something done about it, I will go along with you, but that is not the issue here today.

The SPEAKER. The time of the gentleman from Indiana has again expired.

Mr. LATHAM. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. HALLECK. The issue here is whether or not the Government of the United States in these perilous times, when we know that traitors and spies already within our midst are seeking to wreck us and destroy us, why should we not do the thing designed to make it possible—not to tap wires that cannot now be tapped, because that cannot follow at all—but make it possible for those officers of our Government charged with the responsibility to bring these traitors and spies to conviction. Why not go along with this bill and vote for it and vote against amendments and stand with the bill? Stand with the recommendations of this administration and stand with the recommendations of the two preceding Presidents who themselves not only asked for this sort of authority, but in 1941 or 1942 authorized it specifically to be done for the protection of the country.

Mr. LANE. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. Yes, I yield.

Mr. LANE. Does the gentleman know that under the Willis substitute to be offered it calls for these matters to be treated as ex parte matters in the courts?

Mr. HALLECK. But you have employees there and you have people taking down the evidence and you have to come in and make a showing of reasonable belief that the offense is being committed. I have read the substitute. I know what is in it. All you do is to add another possibility of word getting out.

Let me say this finally. I sat in a meeting with 4 people, all of us sworn to secrecy, and within 2 days I read it all in the newspapers. Let us not put this information out any farther than we have to, because if you put it out farther you complicate difficulties that are already compounded.

The SPEAKER. The time of the gentleman from Indiana has again expired.

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, the majority leader has made a fervent and an eloquent plea. He has argued forcefully, he has listed reason after reason why the bill should be supported, he has attempted to rally his forces behind the Keating bill. But, Mr. Speaker, it seems to me that his plea has a hollow ring, for the fact is that when he was called upon in 1941 to vote on almost an exact bill to the one before us—almost identical, in fact—at a time when Pearl Harbor was only a few months off, the majority leader cast his vote against that bill. It was a bill that had been recommended by President Roosevelt to give authority to the then Attorney General of the United States, in the same way that the Keating bill proposes to give authority to the present Attorney General of the United States in the measure now before us. If the majority leader's arguments in favor of this bill are sound, why then were they not equally valid in 1941 with respect to the other bill? Do you remember when the German-American Bund was goosestepping through the country shouting allegiance to Hitler rather than to the Government of the United States? It was a time, too, when spies and saboteurs of Russian communism were roaming the country as well. Our people were caught then in a period of tension not unlike the cold war in which we are now engaged. There was as much an air of emergency during that time as there is today. The FBI and military intelligence units had the same task of defending our country from espionage and sabotage then as they do today. Is it not apparent that the same arguments used by the majority leader today were equally applicable then? Yet, what happened? He joined with other Republicans in beating that bill which would have given the same dictatorial powers to the Attorney General of the United States as the present one proposes to do. That bill was beaten by Republican votes. This bill is sought to be passed by Republican votes. In little more than 10 years the wheel has made almost a complete turn. The Republican Party has adopted now for itself, as its very own, the bill proposed then by President Franklin D. Roosevelt.

I hold in my hand an article from the St. Louis Post-Dispatch of last December which discusses that debate. Let me quote from it. These are comments on the earlier bill:

> A more important criticism of the limitations was made by a Republican, Sauthoff, of Wisconsin. Said he:
>
> "Under the guise of espionage and sabotage anything can happen. Charges can be trumped up against labor leaders, public speakers, newspaper editors, preachers, the America First Committee, and similar organizations that try to keep us out of war."
>
> ALLEN of Illinois said that the bill was based on an "un-American principle." BENDER, of Ohio, argued on the basis of the fourth amendment (protection against unreasonable search and seizure) and declared:
>
> "For a long time * * * political leaders have condemned the OGPU of Joe Stalin and the Gestapo of Herr Hitler. It appears to me that here today, in order to apprehend, as they say, 1 or 2 or a small group of individuals, we are violating this provision of our Bill of Rights. Why create an American OGPU or Gestapo?"
>
> Both ALLEN and BENDER are Republicans, and they are still in the House today. ALLEN is chairman of the powerful Rules Committee; BENDER has announced his candidacy for the Senate seat formerly held by the late Robert A. Taft.
>
> The vote was close. The Hobbs bill was defeated 154 to 147. The majority of the Democrats following administration leadership, favored it, but 60 went off the reservation. As for the Republicans—

And listen to this, you Members on the left side of the House:

> As for the Republicans 94 opposed the bill and only 34 voted for it. Of the Republicans who voted against the wiretapping bill, the following (among others) are still in Congress:
>
> Representatives CASE, MUNDT, and MARGARET SMITH, all of whom are now Senators; Speaker MARTIN; Majority Leader HALLECK; and Committee Chairmen ALLEN, CHIPERFIELD, REED, and TABER. A fairly imposing list of opponents—upon whom Messrs. Eisenhower and Brownell must now rely to pass a wiretapping bill.

Mind it is our Speaker and the majority leader, both of whom now apparently are in strong support of the present bill, who were as strongly opposed to it when presented by a Democratic administration. If this bill was bad 10 years ago, why is it not equally bad today? If the Republican Party opposed it 10 years ago, why do they not oppose it today? Has the principle of individual liberty which was held high in that debate tarnished in so short a time? Why do not the rights of the individual for which the Republican Party professedly fought such a short time ago, claim their attention and championing equally today?

Mr. JONAS of Illinois. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield.

Mr. JONAS of Illinois. Does the gentleman know of any single instance throughout the United States where a prosecuting officer, who has the same authority only probably on a lesser scale than the Attorney General of the United States, has ever been clothed with uninterrupted power to issue an order to obtain evidence without court sanction?

Mr. YATES. The gentleman makes a most important point. I know of no such instance.

Mr. KEATING. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield.

Mr. KEATING. Will the gentleman say to us whether or not the bill that came up in 1941 was limited to national security cases?

Mr. YATES. It included not only national security cases but kidnaping and extortion as well.

Mr. KEATING. It went far beyond this bill.

Mr. YATES. The gentleman is wrong. That bill was not different from this bill. National security was as much a factor in those days as it is today. As a matter of fact, the resemblance between the two bills goes beyond that point. Both bills give authority not only to the FBI to make taps of this type, but also to the military. Can you possibly justify voting for a bill that will give every military service the right to put telephone taps whenever and wherever they want to?

Mr. Speaker, this is a bad bill and I shall oppose it. It gives unconscionable and dictatorial powers to one man—the

Attorney General of the United States, with no check or supervision at all by the courts, in complete violation of the spirit if not the letter of the Bill of Rights. Had I been in the Congress in 1941 when the bill to which I referred was considered, at the request and with the recommendation of President Franklin D. Roosevelt, I would have voted against it, too, because this is above any matter of party loyalty. This involves a person's deepest convictions, the dictates of his conscience, his appreciation of the meaning of individual liberty as he understands the intent of the Bill of Rights of the Constitution. There is not here involved a question of being soft toward Communists or coddling traitors because every Member of this House despises communism and wants to protect our Nation from spies and saboteurs. What is involved is one of the basic distinctions between the democratic form of government which we love and cherish, a government which recognizes the sanctity of the freedom of the individual, and on the other hand, the totalitarianism of the Communist form which subordinates the individual completely in the name of security for the State. The Communists use wiretapping because State security is paramount. No consideration is given to the rights of the individual. If we adopt this bill we will have approved the same totalitarian principle.

Admittedly this Keating bill is obnoxious to every Member. Member after Member has declared that he would not even consider voting for this measure if he did not believe it to be necessary for our national security. Does not this argument presume that any measure—I repeat, any measure—which is useful almost to any degree in protecting the Nation from possible espionage or sabotage, is warranted, when national security becomes the sole test, individual freedom is blotted out? When individual freedom is blotted out it becomes very difficult to distinguish between democracy and totalitarianism.

We have seen more and more the violation of individual freedom as we proceed along the path toward total security. If our sole test is to be total security and we adopt this bill for that purpose, is our next step the destruction of the sanctity of privilege in conversations between client and lawyer, between patient and doctor—yes, even between minister and parishioner? What happens to such conversations if conducted over the telephone?

This bill would permit not only the Attorney General, but the Army, the Navy, and the Air Force to intercept and record our private telephone conversations and to commandeer telegrams and cablegrams. Only the United States mails and perhaps privileged conversations, as of this time, appear to be excluded from the prying ears of both civil and military investigators. This bill supposedly limits wiretapping to suspected saboteurs and spies. What guaranty is there that this limitation will be observed? Does not this approach overlook actual experience in States which have already given sanction to wiretapping, where there have been disclosures of several cases of blackmail by officers who had listened to private conversations? This bill not only unties the loosely bound hands of law-enforcement officers, but also unleashes the military to eavesdrop on the civilian population.

If anyone thinks he sees in H. R. 8649 adequate protection against intrusions upon our privacy, a second look will disclose nothing but 3D safeguards. They look real, but are without substance—just illusions, easily discovered upon close scrutiny, even by wearers of Polaroid glasses. Contrary to the author's apparent intent, H. R. 8649 does not require court authorization before an investigating agent is permitted to requisition a telegram or tap a private phone. A prior court order is only necessary if information so acquired is to be admissible in evidence at criminal proceedings. True, express authority of the Attorney General must be obtained before a wire is tapped, but the Attorney General is, after all, a political appointee. What protection against invasions of privacy is to be found in a provision which leaves to the Nation's chief prosecutor the policing of his own activities? He does not possess the time-tested independence and integrity of the courts. As for commandeering telegrams and radiograms, even the Attorney General's express authorization is dispensed with. Chiefs of the FBI and intelligence units of the armed services may act upon their own initiative subject only to whatever rules or regulations he may prescribe.

This bill permits but does not restrict wiretapping and allied activities to investigations of crimes committed or about to be committed against national security. Unauthorized tapping of private phone conversations is neither made a crime nor even prohibited. In brief, the enactment of this bill would give official congressional sanction to the Government's entrance into what Justice Holmes rightfully called "dirty business" without providing a corrective for the present wiretapping situation which the author of H. R. 8649 himself correctly characterizes as affording "little or no protection for the privacy or sanctity of individual rights." In no sense is this any plea for the subversive or saboteur. It is a calm reminder of the majesty of the Constitution in protecting the rights of Americans.

Experience in New York demonstrates some of the dangers inherent in wiretapping even under a statute boasting of greater safeguards than those provided by H. R. 8649. In 1950, for example, a King's County grand jury investigating police wiretapping found that "loose, irregular, and careless" methods supplied fertile ground for police bribery and corruption. A supplementary report by Assistant District Attorney Julius Helfand called wiretapping by plainclothesmen a club to blackmail. And a massive wiretapping study prepared for the New York State Bar Association concluded that New York State's constitutional guaranty of the right of the people to be secure against unreasonable interceptions of telephone and telegraph communications was a hollow right in the present status of the law.

Summing up these experiences, a recent article by Westin entitled "The Wiretapping Problem," volume 52, Columbia Law Review, pages 164, 196–197—1952—concluded, after a careful examination of available evidence, that wiretapping in New York State "is a shining example of what a legalized system should not be," characterized by "corruption, blackmail, misuse of warrant procedures, failure to prevent unauthorized wiretapping, and loss of general confidence in the security of the telephone as a medium of communication."

It is clear that any law authorizing it must provide much more than illusory safeguards. Any legislation worthy of congressional approval must provide as a bare minimum, first, that wiretapping unless specifically authorized by statute be prohibited and made a crime; second, that only civil law enforcement officers be authorized to engage in wiretapping; third, in accord with our system of separation of powers, only after express authorization by a Federal judge; fourth, upon a showing of probable cause—as our fourth amendment requires of a search warrant—that the party whose phone is to be tapped has committed or is about to commit, specifically, treason, sabotage, espionage, or seditious conspiracy.

One wonders whether any legislation authorizing wiretapping, even with strong safeguards, exacts too high a price in democratic values. I do not doubt that a great deal of evidence of or leading to crime can be obtained by wiretapping as it can be by other familiar totalitarian law enforcement methods, such as brutality, the third degree and illegal searches and seizures. The fact that Communists use such methods does not justify our doing so, too. There is still the distinctions between communism and democracy which must be remembered. I believe with J. Edgar Hoover that such methods "are shunned by good law enforcement." As he said:

> The individual citizen, in a democratic State, is protected by high standards set by good law enforcement itself. The well-trained peace officer, schooled in democratic tradition, respects the civil rights of the accused and observes the rules of fair play and decency.

Because of wiretapping's dragnet characteristics its use offends fair play and decency. A wiretap is no selector of persons or data—it indiscriminately intrudes officialdom's prying ear on our most private communications—conversations between husband and wife, between doctor and patient, between attorney and client, to mention but a few.

There is no fundamental conflict between our democratic rights and our security. America's strength lies in moral values. Communism opposes such values. Our real strength lies in a people who cherish and practice the freedoms democracy can and does provide. These are what the world sees in America as the essence of good Americanism. Each time we chip away at some vital democratic value we destroy without the aid of the subversive or traitor what the subversive or traitor threatens to destroy. It is neither soft nor sentimental,

but realistic and practical, to raise a fuss about the dangers of the police state and the invasions of rights that accompany such a bill as we are now discussing. For if we reach a point of accepting the principle that ends justify means—and the arguments in support of wiretapping come dangerously close to this totalitarian proposition—we will have unwittingly compromised that which we wish to make secure. Let us mince no words—wiretapping is democracy-sapping. Fight communism, yes. Fight traitors and subversives, yes. But let us not fight and let us not destroy the American heritage.

We would be well advised to heed the prophetic words of Justice Brandeis in *Olmstead* v. *United States* (277 U. S. 438, 479 (1928)), who said in his historic dissent declaring wiretapping a violation of the fourth amendment: "Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficient. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding."

I have more faith in democracy than to sacrifice any of its vital values for the mirage of protection that we think we may derive from relaxed crime-detecting methods. "Risk for risk," in the words of Justice Learned Hand, for myself I had rather take my chances that some traitors will escape detection than spread abroad a spirit of general suspicion and distrust.

Mr. Speaker, this bill should be defeated.

Mr. LATHAM. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. COUDERT].

Mr. COUDERT. Mr. Speaker, let me say at the outset that I am highly in favor of this bill in substance and in principle. I think the Committee on the Judiciary and the Attorney General are to be congratulated in finally coming to grips with the far-reaching and important matter of wiretapping and the use of wiretap evidence in important prosecutions.

On the contrary, I am not in agreement with my old friend and fellow resident of the 17th Congressional District, the Attorney General, in the matter of the form of the bill and what I consider the fatal lack of safeguards. I am deeply sorry to have to differ with my good friend from Indiana, the majority leader. I would much rather be with him than against him. I am sorry I am going to have to support a Democratic amendment rather than a Republican amendment.

It is of the utmost importance that we catch spies, that we catch subversive elements in this country, and use every device to that end. It is not necessary, however, that we display such complete contempt for the Federal courts of the United States that we are unwilling to allow a district judge to see the affidavit and to sign an order dealing with wiretapping when the entire Department of Justice will have access to whatever order or direction the Attorney General may issue. I think this is very fundamental, I think it goes to the safeguards and liberty of our people. A wiretapping bill with court order, the original Keating bill, is sound, is justified, is a fair compromise between the demands of liberty and the needs of prosecution. I see no need and no excuse for the blanket authorization to a number of Government agencies for wiretapping without any judicial sanction.

Back in 1942 I happened to be the author of what is now the New York State law which requires an ex parte order as a condition to wiretaps. We have had 12 years' experience with that law. Probably the most distinguished prosecuting officer in the great State of New York is Frank Hogan, district attorney of New York County. I asked him about this the other day and he told me he was completely satisfied with this law, that he would not want to operate without a court order, and authorized me to quote him to that effect. The fact that we have had no proceedings in the higher courts, we have had no appeals, since this law went into effect in New York indicates clearly that the prosecuting officers are satisfied with it. They have exercised their rights under it, they have applied for ex parte orders.

May I point out also that New York City is not only the great agglomeration of population in the United States, but it is probably also the greatest crime center in the United States. A procedure that has effectively operated on crime detection and prosecution in New York City certainly ought to be sufficient for crime detection in the Federal setup. For my part whatever is satisfactory and has worked for 12 years satisfactorily in New York ought to be good enough for the Federal courts.

I reluctantly differ with my own Judiciary Committee majority, I am sorry to differ with my leadership, but there comes a moment when we must disagree, and for my part I feel obliged to vote for the amendment that will be offered.

Mr. DONOVAN. Mr. Speaker, will the gentleman yield?

Mr. COUDERT. I yield to the gentleman from New York.

Mr. DONOVAN. It is also true that under the New York State code a wiretap made without court order constitutes a crime.

Mr. COUDERT. The gentleman is correct.

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. MCCORMACK].

Mr. McCORMACK. Mr. Speaker, I hope the entire debate on this bill, which could very easily become emotional, will be kept on the usually high level of the House and will be confined to a discussion of the bill on a rational rather than emotional level because, as we all realize, there are certain things that have happened in the not too distant past that might justify some strong statements, particularly from our side. But I am going to refrain from entering into that field and discuss the one question that will be before the Committee of the Whole and the House when the amendment stage comes, or the recommittal stage arrives.

There is no dispute on my part so far as legislation is concerned. I am going to vote for the rule. I am going to vote for an amendment to the bill and if the amendment that will be offered is not adopted I am uncertain now whether or not I will vote for the bill.

The basic question will be whether or not this power should reside in the courts or with the Attorney General, not a particular individual but the Attorney General. I was rather surprised at some of the statements made by my good friend from Indiana [Mr. HALLECK], who said that going to the courts will complicate the whole process. I do not think there are many of us who are going to be impressed with that argument.

He also said that if they go to the courts it will make it possible for persons to know about it. Certainly, I do not think that many of us are going to be impressed with that argument, because I challenge anyone to show any leak on the part of our judiciary.

I have here the testimony of Miles McDonald, of Kings County. He is an able lawyer with plenty of experience as a prosecuting officer. He has stated:

> I think prosecutors, myself included, can be overzealous, and I think you sometimes get to the point where you have a pretty good suspicion but no evidence, and you rush in to get a wiretap.

He then went ahead and came out for the necessity of the application to the courts. He then said that he never knew of a leak under the Federal system.

Now, in Massachusetts, the attorney general or the district attorney can order a wiretap up to this very moment, but the Massachusetts Legislature this year has passed a law, and I have a letter here from Irving N. Hayden, the clerk of the Senate of the Massachusetts Legislature, replying to a telegram regarding that law that I sent in which he said:

> Replying to your telegram of the 3d instant, I am enclosing herewith a copy of senate bill 144, relative to the authority of the attorney general and district attorneys to authorize wiretapping, with changes reported by the committee on the judiciary included.
>
> This bill has been passed by the senate and house, but at this writing has not reached the Governor's office for his signature.

In other words, both branches have acted. What does that bill do? It takes away from the attorney general and the district attorney the power upon their own initiative to order a wiretap and requires that they go to a justice of the supreme judicial court or to a justice of the superior court.

Mr. DODD. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Connecticut.

Mr. DODD. I would like to ask the gentleman if he does not agree with me—and I tried to make this point when I spoke—that what Massachusetts has done and what New York has done are both violations of the Federal statute. My complaint is that it is ridiculous for

the Government to stand aside and not do anything about it, and I think this bill should include a provision to straighten that out. You are in violation of the law in Massachusetts, as the law now stands, when you do this thing that your statute has set up, and there are no two ways about it.

Mr. McCORMACK. The gentleman can have his own views about that matter, but so far as I am concerned wiretapping is dirty business, but espionage is also dirty business, and we want to legislate in a manner to get at this dirty business, at the same time not create another dirty situation by having authorized wiretaps of innocent persons. I think the best protection is the courts to prevent smearing of innocent persons. I believe in the independence of the judiciary. I respect the courts, and I think our safest refuge is to require court procedure, and not let it rest in the hands of any public elective official or any public appointed official other than the courts.

Senate 144

An act restricting the authority of the attorney general and district attorneys to authorize wiretapping

Be it enacted by the senate and house of representatives in general court assembled, and by the authority of the same, as follows:

SECTION 1. Section 99 of chapter 272 of the general laws, as appearing in the tercentenary edition, is hereby amended by inserting after the word "district," in line 3, the words: ", pursuant to an order issued under section 99A," so as to read as follows: "SEC. 99. Whoever, except when authorized by written permission of the attorney general of the Commonwealth, or of the district attorney for the district, pursuant to an order issued under section 99A, secretly overhears, or attempts secretly to overhear, or to have any other person secretly overhear, any spoken words in any building by using a device commonly known as a dictagraph or dictaphone, or however otherwise described, or any similar device or arrangement, or by tapping any wire, with intent to procure information concerning any official matter or to injure another, shall be guilty of the crime of eavesdropping and shall be punished by imprisonment for not more than 2 years or by a fine of not more than $1,000, or both."

SEC. 2. Said chapter 272 is hereby further amended by inserting after section 99 the following section:

"SEC. 99A. An order for the interception of telegraphic or telephonic communications may be issued by any justice of the supreme judicial or superior court upon oath or affirmation of the attorney general of the Commonwealth or of the district attorney for the district that there is reasonable ground to believe that evidence of crime may be thus obtained and identifying the particular telephone line or means of communications and particularly describing the person or persons whose communications are to be intercepted and the purpose thereof. In connection with the issuance of such an order, the justice may examine on oath the applicant and any other witness he may produce for the purpose of satisfying himself of the existence of reasonable grounds for the granting of such application. Any such order shall be effective for the time specified therein, but not for a period of more than 3 months, unless extended or renewed by the justice who signed and issued the original order, upon satisfying himself that such extension or renewal is in the public interest. Any such order, together with the papers upon which the application was based, shall be delivered to and retained by the applicant as authority for intercepting or directing the interception of the telegraphic or telephonic communications transmitted over the instrument or instruments described. A copy of such order shall be impounded by the justice issuing the same.

"In case of emergency and when no such justice is available, the attorney general or the district attorney for the district may issue such order, but on the next day the said attorney general or district attorney upon oath or affirmation setting forth all the facts, shall apply to a justice of the supreme judicial or superior court for a court order to issue validating the act of said attorney general or district attorney. If the court refuses, after hearing, to validate such prior order of the attorney general or district attorney, said prior order shall cease to be effective, and no further action thereunder may be taken."

Letter received from my valued friend and my State Senator Hon. John E. Powers, the Democratic leader of the Massachusetts State Senate:

MASSACHUSETTS SENATE,
State House, April 5, 1954.

Hon. JOHN W. McCORMACK,
Office of the Democratic Whip,
House of Representatives,
Washington, D. C.

FRIEND JOHN: I received your letter and the following is the information you requested:

A petition (accompanied by House bill 991) of Samuel W. Cohen for legislation to revoke the authority of the attorney general and district attorneys to authorize wire tapping was seasonably filed for consideration by the great and general court in 1953. (A copy of house bill 991 is enclosed.)

The committee on the judiciary, to whom was referred the petition (accompanied by house bill 991) reported bill (house bill 2377) a copy of which is enclosed. House bill 2377 was subsequently passed by both branches and laid before the Governor for his approbation on March 23, 1953.

On March 26, 1953, house bill 2377 was recalled by the senate and on April 30, 1953, the senate reconsidered its previous vote by which it had passed the bill to be enacted. On a further motion, which was subsequently carried, it was resolved that the judicial council be requested to investigate the subject matter of house bill 2377 and report on it. I enclose a copy of PD 144 for 1953.

Senate bill 144 was seasonably filed for consideration by the great and general court in 1954. It was subsequently passed by the senate incorporating the amendments suggested by the committee on judiciary. (Copies of the amendment will be found in the senate calendar for Thursday, March 25, 1954 at p. 3.) At this writing senate bill 144 as amended is before the house for enactment. The present status of the law is set forth on page 39 of PD 144. Please let me know if you will need further information on this matter.

With kind regards and best wishes, I am

JOHNNY.

Mr. COLMER. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado [Mr. ROGERS].

Mr. ROGERS of Colorado. Mr. Speaker, it is to be regretted that when we are considering a question of what is admissible into evidence that it should be dubbed antitraitor legislation. In truth and in fact, the more proper name for it would be eavesdropping legislation. It was a crime at common law to eavesdrop. We by this legislation are considering the question of the admission of evidence unlawfully obtained. The laws of the United States makes it unlawful to divulge information obtained by wire tape.

Point No. 2: Where, in our legal jurisprudence, have you ever found a precedent to permit the prosecuting attorney to ascertain and determine what is admissible in evidence? That is a departure from all legal precedent we have ever had. Can you visualize the district attorney, or as in this case where you designate the Attorney General, having the authority, he and he alone, to determine when the wiretap should be had and the authority to determine, he and he alone, whether or not it is admissible? Are we, as lawyers, when we consider these matters, to say that the prosecuting attorney—and after all, the Attorney General is a prosecuting attorney—shall determine when the wiretap shall go on and when it shall be admissible in evidence? Understand, Mr. Speaker, the only thing we are considering in this legislation is whether or not evidence obtained by a wiretap or by eavesdropping may be admissible. It is my contention that the best solution that can be had to this problem is to require a court order. If we require a court order, then the court is the one who is determining whether or not the evidence is admissible.

Therefore, when we get into the Committee of the Whole, it is my hope that the Members will keep in mind that the proper legal precedent to be followed is to permit the courts to determine. The best way to deal with wiretapping is to prohibit it categorically on the ground that it has no place in a democratic society. There are cogent arguments to support this position.

First. Wiretapping is repugnant to the instincts of a democratic people. Privacy is one of the attributes and essential conditions of freedom. For the Government secretly to listen in on conversations between citizens violates, in principle if not in law, the right to be secure against search and seizure without warrant, one of the most valued rights Americans obtained by their Revolution. It suggests the methods of the police state, of George Orwell's "1984." In Mr. Justice Holmes' phrase, it is "a dirty business."

Second. Wiretapping cannot be effectively regulated. To permit it even for limited purposes is to put temptation in the way of politically unscrupulous or totalitarian-minded officials. Although wiretapping is difficult, if not impossible, for the citizen to detect or to prove, information obtained through wiretapping may be used to persecute him, even though it is never formally offered as evidence in a courtroom. The practice is an invitation to political blackmail, to the stealing of business secrets, to oppressive conformity and thought control.

Third. It has never been demonstrated either that wire tapping is needed or that it will accomplish a useful purpose. Modern methods of crime detection are so highly developed that the State should be able to protect itself without secretly listening in on private conver-

sations; wire tapping is a device for avoiding arduous police work, a lazy man's approach to law enforcement. Nor will wiretapping catch the important offender. Former Communist agents have testified that individuals engaged in espionage or treason are trained never to discuss important matters over the telephone.

The proponents of legislation to permit wire tapping have not adequately answered these arguments. However, the climate of fear created by the simultaneous discovery of Communist imperialism and the atomic bomb may have made it politically impossible to avoid some whittling away of our democratic freedoms. If that is, in fact, the case—and it should not be conceded easily—we must then consider how to authorize limited wiretapping with the least impairment of our liberties and the least temptation to political misuse.

Judged even by this standard, the bill reported out by the House Judiciary Committee—H. R. 8649—and before the House at this time is a bad bill.

H. R. 8649 contains three major defects: First, it entrusts the Attorney General with the power to authorize wiretapping without check by the judiciary; second, it fails to prohibit and penalize unauthorized acts of wiretapping unless the information obtained is disclosed; and, third, it applies retroactively to make admissible evidence obtained by wiretapping prior to the passage of the bill.

First. No ad hominem argument is needed to demonstrate that it is a mistake to empower the Attorney General to authorize wiretapping without judicial check. At the same time, it is worth noting that the present Attorney General, who is leading the fight for such a provision, has already yielded to the temptation to use secret FBI reports for political purposes.

The power to authorize wiretapping should be vested in the judiciary; it should no more be given to an officer of the executive department than the power to issue warrants for searches and seizures. If enacted into law in its present form, H. R. 8649 could prove a significant step in the direction of the police state.

Second. Unauthorized wiretaps must be prohibited and punished regardless of whether or how the information is used; otherwise the practice will be grossly abused. This seems elementary—so elementary, in fact, that the failure of H. R. 8649 to contain an adequate provision of this kind suggests that its proponents have no serious intention of limiting the practice.

Third. The statute should not be given retroactive effect. Obviously a distinction can be drawn between an ex post facto substantive offense and a rule of evidence, but this is not the point; the retroactive rule of evidence is still an affront to American standards of fair play. The harm that would be done by rendering admissible previously inadmissible evidence would far exceed any benefit that could be gained by the conviction of a few past offenders. As drawn, this provision of the statute seems to be primarily intended to vindicate past ineptitude on the part of our detection agencies.

THE PRESENT PRACTICE OF WIRETAPPING

The phrase "wiretapping" includes the use by public officials and private citizens of any mechanical device, whether a recorder, amplifier, or other instrument, for the purpose of eavesdropping on a private conversation; it is not limited to the tapping of telephone wires. Two-way telephone conversations can be overheard by direct wire connections or by the use of an induction coil which does not involve any direct wire connection. At least one side of a conversation can be overheard acoustically through the use of a microphone or detectophone placed against the wall of a room where the telephone is located.

Wiretapping, as so defined, is extensively practiced. It is widely employed by local, State, and Federal enforcement officers. It is practiced by private detectives who may be employed by private businessmen, by outraged husbands and wives in domestic relations cases, by Senators to spy on potential witnesses or by potential witnesses to spy on Senators. It is a powerful tool for blackmailers.

There is no foolproof technique whereby a citizen can detect or stop someone from tapping his telephone wires. He can put a lock on his telephone terminal box, use a scrambler, install armored cables to shield his telephone wires, or he can arrange for spot checking of his circuit. These devices can make wiretapping more difficult and expensive, but they are themselves difficult and expensive—and besides they do not work very well.

THE PRESENT LAW

Wiretapping is not prohibited by the fourth amendment, because it is considered not to be a search or a seizure. *Olmstead* v. *United States* (277 U. S. 438 (1928)). There seems to be no other constitutional basis for objection.

The only pertinent Federal statute is section 605 of the Federal Communications Act—title 47, United States Code, section 605—which provides:

> No person not being authorized by the sender shall intercept any communication and divulge or publish the * * * contents * * * of such intercepted communication to any person.

Note that the prohibition applies only to persons who both intercept and divulge. Violation of this prohibition is punishable by imprisonment up to 2 years and fines up to $10,000—under section 501 of the act, title 47, United States Code, section 501—but there has been only one conviction for violation of section 605, and it did not involve practices under consideration here.

The Federal Communications Act prohibition applies to wiretapping; *Nardone* v. *United States* (302 U. S. 379 (1937)). Evidence obtained from leads obtained by illegal wiretapping is inadmissible in the Federal courts, *Nardone* v. *United States* (308 U. S. 338 (1939)), but it is hard for defendants to carry their burden of showing that wiretapping has been used to obtain leads, *United States* v. *Frankfeld* (100 F. Supp. 934 (D. Md. 1951)). See volume 61, Yale Law Journal, page 1221 (1952). One who is not a party to tapped conversations has no standing to object to their use by the Government to obtain testimony—*Goldstein* v. *United States* (316 U. S. 114 (1942)).

State laws are generally, first, not an effective check on official wiretapping—some 58,000 taps were authorized in 1952 under the New York State statute; and second, are not adequately enforced against private persons. State decisions have held section 605 inapplicable to the States.

ATTITUDE OF DEPARTMENT OF JUSTICE

The FBI and the Department of Justice have changed their views with the passage of time and the erosion of public sensibilities through war and fear.

First. In 1931, J. Edgar Hoover testifying before the House Committee on Expenditures in the executive department—volume 52, Columbia Law Review, page 173:

> Mr. TINKHAM. Is any of your appropriation spent for wiretapping?
>
> Mr. HOOVER. No, sir. We have a very definite rule in the Bureau that any employee engaging in wiretapping will be dismissed from the service of the Bureau.
>
> Mr. TINKHAM. I am very pleased that is so.
>
> Mr. HOOVER. While it may not be illegal, I think it is unethical, and it is not permitted under the regulations by the Attorney General.

Second. In 1949, J. Edgar Hoover stated that the FBI does not use wiretapping in its investigations under the Federal loyalty program—New York Times, March 20, 1949, page 60, column 1. But, he said, the FBI does tap with the express approval of the Attorney General "in cases involving espionage, sabotage, grave risks to internal security, or when human lives are in jeopardy." See volume 58, Yale Law Journal, pages 401, 405; 1949.

Third. In 1953, Attorney General Brownell testified before the Jenner committee—Subcommittee on Internal Security of the Senate Committee on the Judiciary—that "some of the important evidence [in Justice Department files] was obtained by wiretapping [but] the case cannot be proved in court and therefore there will be no prosecution so long as the law remains in its present state." New York Times, November 18, 1953, page 23, column 2.

THE 1953 CONGRESSIONAL HEARINGS

A subcommittee of the House Judiciary Committee, under the chairmanship of Representative KEATING, Republican, of New York, held hearings last spring and summer on four bills to authorize wiretapping.

Two substantially identical bills—H. R. 477, introduced by Representative KEATING, and H. R. 3552, introduced by Representative WALTER—authorized wiretapping by agents of specified Federal investigatory agencies—FBI, and Army, Navy, and Air Force Intelligence—in investigations of interference with the national security. These made information thus obtained admissible in evidence in Federal criminal or civil proceedings, to which the United States was a party, involving national security. They required a court order from a Federal

judge, although the language was ambiguous as to whether the order was a prerequisite to obtaining the information or merely to introducing it in evidence. In any event, the bills did not penalize the act of wiretapping, but only the unauthorized divulging of information thus obtained, while the investigatory agencies could compel a private wiretapper to disclose any information he might acquire. The definition of matters affecting the national security was very broad; it included violations of the McCarran Internal Security Act and the Foreign Agents Registration Act, and ended with the catchall "or in any other manner" affecting the national security.

A similar bill, H. R. 408, introduced by Representative CELLER, did not require a court order, but only the express approval of the Attorney General. It covered investigations involving the safety of human life as well as those affecting national security; it made wiretap information admissible only in criminal proceedings. It also made admissible "information heretofore obtained, upon the express approval of the Attorney General" by wiretapping; and it provided criminal penalties for unauthorized wiretapping.

The administration's bill, introduced by Representative CHAUNCEY REED, chairman of the full committee, merely provided:

> Notwithstanding the provisions of section 605 of the Communications Act of 1943 (48 Stat. 1103), information heretofore or hereafter obtained by the Federal Bureau of Investigation through the interception of any communication by wire or radio upon the express approval of the Attorney General of the United States in the course of any investigation to detect or prevent any interference with or endangering of, or any plans or attempts to interfere with or endanger, the national security or defense, shall be admissible in evidence in criminal proceedings in any court established by act of Congress.

During the hearings Representatives KEATING and CELLER made statements in favor of their respective bills, Representative CELLER claiming that a court order would make secrecy impossible in espionage investigations, and recalling that Democratic Attorneys General had in the past requested the same authority which the administration sought. Deputy Attorney General Rogers testified in favor of the administration bill. He was questioned sharply by Representative FINE, Democrat, New York, on the retroactive provisions of the bill, and by several members on the absence of any authorization for wiretapping by the military intelligence agencies. Military spokesmen supported the bills that would give them authority to wiretap, and the FCC took no position on the substantive issues. Witnesses for ADA, the Civil Liberties Union, and the AFL expressed some preference for the Keating bill, but thought its definitions too broad, and were concerned about the absence of any prohibition of unauthorized wiretapping itself, without disclosure. The ADA representative suggested that court orders be obtained only from a Justice of the United States Supreme Court, or from the chief judge of a United States court of appeals.

There was interesting testimony by Miles McDonald, Kings County, N. Y, district attorney, on the actual operation of the New York State wiretapping law. That law requires the official seeking authorization to obtain a court order. McDonald denied that there was any serious danger that judges or court attendants might reveal the existence of wiretap orders. He pointed out that in New York State, judges do not file wiretap orders with court attendants, but keep their copies in personal safes in their chambers. He thought there was more danger of leaks in setting up neighborhood wiretap posts, since under the present section 605 of the Federal Communications Act, the telephone companies cannot cooperate with law-enforcement agencies by running special tap lines to the agency offices from the tapped phones. He also pointed out that a subsequent challenge to an ex parte court order cannot be used to elicit background information on an investigation by inquiry as to the "probable cause," since the question only arises collaterally, and collateral attacks on such orders are not permitted, at least in New York.

H. R. 8649—THE IMMEDIATE PROBLEM

None of the bills on which the subcommittee of the House Judiciary Committee held hearings last year was reported out by the full committee. Instead, an amended version of H. R. 477—Representative KEATING'S bill—embodying substantial changes not considered in the course of last year's hearings, was reported by the subcommittee to the full committee under a new number, H. R. 8649. The new bill was approved by the full committee during the last week of March.

The Keating bill includes certain safeguards on the use of wiretapping not found in any of the earlier bills. For example, it enumerates the specific criminal proceedings in which wiretap evidence will be admissible. But it takes a long step backward by abandoning the requirement of a court order contained in Representative KEATING'S first proposal. Nor does the bill provide any penalty for unauthorized acts of wiretapping, as was provided by Representative CELLER. It does, however, include an undesirable retroactive feature.

The Keating bill removes the judicial prohibition on the admissibility in Federal courts of evidence obtained by an FBI or military intelligence wiretap, when authorized in writing by the Attorney General "in the course of any investigation to detect or prevent any interference with or endangering of, or any plans or attempts to interfere with or endanger the national security or defense of the United States by treason, sabotage, espionage, sedition, seditious conspiracy, violations of chapter 115 of title 18 of the United States Code, violations of the Internal Security Act of 1950 * * * violations of the Atomic Energy Act of 1946 * * * and conspiracies involving any of the foregoing."

Wiretap information covered by the Keating bill is to be admissible whether "heretofore or hereafter obtained." Presumably, this is intended to permit the retrial of the Coplon case. However, it is hard to tell what other prosecutions might be started if the provision becomes law.

Practically the only safeguard contained in the bill is a provision forbidding any person to "divulge, publish, or use the existence, contents, substance, purport, or meaning of any information obtained pursuant to the provisions of this act" for any purpose other than introduction in evidence in one of the enumerated proceedings. A penalty is provided for the violation of this provision.

RECOMMENDATIONS

The following are the minimal amendments that should be adopted:

First. Requiring a court order for wiretapping rather than merely approval by an officer of the executive branch of the Government.

Second. Including criminal penalties for unauthorized wiretapping apart from disclosure; and if such a provision is added, wiretapping itself may be more inclusively defined to cover the use of dictagraphs and other electronic devices.

Third. Revising the list of criminal proceedings in which wiretap evidence could be introduced so as to bring it more into line with the real necessities of police work; this would mean the exclusion of such crimes as advocating the overthrow of the Government and the inclusion of other crimes such as kidnaping which do not involve the national security but directly and immediately affect the safety of human life.

Fourth. Limiting the use of wiretaps to the FBI, and excluding the military intelligence agencies.

Fifth. Eliminating the ex post facto effect of the legislation.

Mr. COLMER. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker, this wiretapping bill creates a conflict. On the one side we have the ideals of freedom and individual privacy. On the other we have the need to use the most modern techniques to ferret out and prosecute crime, to get after saboteurs, espionage agents, and to protect our national security. The conflict must be resolved. But I assure you, Mr. Speaker, it cannot be resolved by any slick slogans; for instance, by calling this bill an antitraitor bill.

This bill bristles with constitutional questions, such as proscribed principles of ex post facto. When one uses the term "antitraitor bill," one is making an appeal to the adrenal glands. It is an appeal to sensation, not sanity. It is an appeal to passion and not patience. It is an appeal to fear and frenzy and not frankness. Calling the bill an antitraitor bill is a shocking revelation of sterility of mind. It is smart-aleckness to say or imply that one is a traitor if he opposes the bill unamended and thereby seeks to prevent invasion of home and hearth.

It has not been stated, but I wish to state at this time, that the substitute amendment that will be offered by the gentleman from Louisiana [Mr. WILLIS] provides that in the event of wiretaps

heretofore made and perfected, such evidence may be used upon the express approval of the Attorney General. These wiretaps were made in the past and natually were made without the interposition of the court. But as far as future wiretaps are concerned and the use of evidence obtained by wiretapping, they shall be admissible only on a court order.

To my mind, wiretapping involves the presence of an unexpected, silent, furtive, and unwelcome guest at your telephone. It is like the invasion of your proverbial castle. You may not enter anybody's home, even if you suspect a crime has been committed there or is about to be committed, without a search warrant. Is there any difference when you enter the hearth and home by way of a telephone wire? Why should we not in commonsense require in those circumstances a court order just as we do in a case of a search and seizure?

For that reason I do hope the rule will be adopted and that the amendment offered by the gentleman from Louisiana [Mr. WILLIS] will be adopted.

Wiretapping is widespread. It is practiced uninhibitedly by Federal prosecutors, political parties, business executives, private detectives, prostitutes, bookmakers, gamblers, racketeers, FBI, blackmailers, sharpers, witch hunters. It is dirty business. That is what Justice Holmes called it. Justice Jackson recently said:

> Science has perfected amplifying and recording devices to become frightening instruments of surveillance and invasion of privacy whether by the policeman, the blackmailer or the busybody.

Indeed wiretapping should be nailed down as being utterly illegal save in prescribed cases, like violations of the common defense and national security. But a bill for that purpose would have to come from the Committee on Interstate and Foreign Commerce. The Judiciary Committee has no jurisdiction over the Communications Act. To outlaw wiretaps save in certain cases would involve amendment of section 605 of the Communications Act.

Frankly, I am of the opinion that the Supreme Court has already interdicted wiretapping, but it has been said that all the Supreme Court did was to preclude the evidence obtained by the tapping. The question must yet be decided.

In any event we have the choice today to accept the bill as is—that is, to sanction the interception of communications with the approval of the Attorney General—or to accept the Willis substitute to require a court order before any future wired or wireless communication can be intercepted. The Willis substitute also permits the use in evidence of wiretaps if made before the enactment of the bill. Such taps were made without a court order and can be used in evidence but only upon the approval of the Attorney General.

As to future tapping certainly the agency that eavesdrops should not control. The Attorney General's office should not police itself. There should be interposition of a court order as in the case of a search warrant.

No time would be lost.

There would be no danger of leaks.

There would be no danger of the wrongdoer being apprised of the taps.

Incidentally Communists do no longer communicate by telegraph or telephones. They have received orders not to. They would be fools to use such form of transfer of ideas and instructions and propaganda.

We are a government of law not of men. Therefore without dealing in personalities I feel that under present conditions no Attorney General now or in the future should have this high power. It is a dangerous power. It could be used for political purposes. It is an immense power that could be easily abused.

We must, therefore, guard the use of that power by the requirement of a court order.

The FBI does considerable wiretapping. I quote from the Reporter:

> The FBI, which probably does more wiretapping than any other Federal agency, is at constant pains to depreciate its use of the technique. J. Edgar Hoover's recent public statement on the subject of tapping was made before a House appropriations subcommittee early in 1950, when the FBI director said his agents were tapping less than 170 telephones at the moment. Assuming 5 conversations over the average phone each day, 170 telephones would carry more than 300,000 tapped conversations a year. Such a figure is merely a guess, but it compares favorably with the concurrent testimony of Mrs. Sophie Saliba, head of the record-file room of the New York office of the FBI. Mrs. Saliba disclosed that more than 3,500 disks of FBI-tapped conversations had been destroyed in 1949. Since a disk can easily hold 5 telephone conversations, probably these disks held at least 17,500 conversations—all obviously the work of the New York office alone.

Does one suppose that the Attorney General would personally be called upon to approve all these taps? Would the practice not become one of delegation? The FBI would in the final analysis control the situation and would be the sole determinative factor in all these taps.

In 1934 the Federal Communications Commission was established as an independent agency. Included in the enabling act, as section 605, was a provision intended to outlaw wiretapping once and for all. It read in part:

> No person not being authorized by the sender shall intercept any communication and divulge or publish the * * * contents * * * to any person * * * and no person having received such intercepted communication * * * shall* * * use the same or any information therein contained for his own benefit or for the benefit of another.

Violations were made subject to a $10,000 fine, 2 years in prison, or both.

Three years later the Supreme Court reviewed section 605 of the Communications Act.

Several defendants in Nardone against United States appealed their convictions of liquor smuggling on the ground that the evidence used against them was the result of taps by Federal agents.

The Court ruled that section 605 applied to all persons—persons as Federal agents and all others. But the Court also ruled that the evidence was inadmissible since the agents violated the law in obtaining such evidence.

But the Federal agents who violated section 605 by tapping were never prosecuted. No one has ever been prosecuted for illegal tapping—except in one case, that of a lawyer named Gruber. The Department of Justice has never gotten after its men for wiretapping. Attorney General Jackson said in 1940:

> I do not feel that the Department of Justice can, in good conscience, prosecute persons for a practice engaged in by the Department itself, and regarded as legal by the Department.

In March, 1941, Attorney General Jackson made this new construction of section 605 public:

> There is no Federal statute that prohibits or punishes wiretapping alone.

Jackson said:

> Any person, with no risk of penalty, may tap telephone wires and eavesdrop on his competitor, employer, workman, or others, and act upon what he hears or make any use of it that does not involve divulging or publication.

In 1939 Nardone was reconvicted not on direct-wire evidence but from evidence obtained in turn from wiretap leads. The court held the evidence was "fruit of the poisonous tree" and was thus inadmissible. Nardone was again freed.

In conclusion I repeat: throw clear safeguards around the power to tap: Insist upon the court order.

Finally I insert the opinion of the Association of the Bar of the City of New York:

> THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK,
> COMMITTEE ON FEDERAL LEGISLATION,
> *April 7, 1954.*
>
> INTERIM REPORT ON H. R. 8649 (KEATING)
>
> We oppose H. R. 8649, as reported out by a divided vote of the House Judiciary Committee March 31, 1954. Apart from any other considerations, we believe the pending bill should be rejected because it fails to require that a Federal judge must approve any wiretap in advance and upon a showing of reasonable grounds therefor.
>
> The core of the bill is its provision under which information heretofore or hereafter obtained by the FBI and certain others, through or as a result of the interception of any communications by wire or radio "upon the express written approval of the Attorney General" and in the course of certain national security investigations, shall be deemed admissible in evidence in related criminal proceedings, notwithstanding the provisions of section 605 of the Communications Act of 1934.
>
> In essence the bill is not materially different from one which was introduced last summer at the request of the Attorney General (H. R. 5149, REED) and rejected by a Judiciary subcommittee after hearings. It falls far short of providing such safeguards as were contained in the bill which the subcommittee reported favorably without dissent. (H. R. 477, KEATING.)
>
> The importance of a prior court order for any wiretap is much the same as in the case of a search warrant. The requirement of a search warrant is made "so that an objective mind might weigh the need. * * * The right of privacy was deemed too precious to entrust to the discretion of those whose job is the detection of crime and the arrest of criminals. Power is a heady thing." (*McDonald* v. *U. S.* (335 U. S. 451, 455).)

District Attorney Miles F. McDonald testified favorably as to his experience under the New York statute requiring a prior court order for any wiretap: "I think prosecutors, myself included, can be overzealous. * * * The judge is a safeguard." He also testified that he had never had any bad experience so far as leakages in the court are concerned. (Hearings, pp. 80, 82.)

Bearing in mind that it is the wiretap itself which is the root of the offensiveness, rather than its subsequent use in evidence, we believe that a sound statute can be drawn and should be enacted, authorizing certain wiretapping under adequate safeguards, including a prior court order. Also the existing prohibitions of the Communications Act have proved difficult for the court to apply and inadequate to prevent illegal tapping. On all counts the present legal and practical situation is unsatisfactory in the public interest and calls for congressional action.

We shall shortly complete a report on the pending wiretap bills, commenting on the variety of problems which any legislation in this field necessarily involves. While it is not our function to draft proposed statutes, we naturally hope that the results of our rather extended study will be found informative. We are making an interim report now because there is not time to complete our pending report in the few days between the Judiciary Committee action and the anticipated vote on the House floor.

Respectfully submitted.

Committee on Federal Legislation: Theodore Pearson, chairman; Prescott R. Andrews; Ambrose Doskow; Thomas H. Dugan; James J. Flanagan; John French; Herbert J. Jacobi; Charles L. Jaffin; John C. Jaqua, Jr.; Arthur Kramer; James P. Murtagh; Arthur L. Newman II; Charles D. Peet; Charles I. Pierce, Jr.; Orville H. Schell, Jr.; Solomon I. Sklar; Royall Victor, Jr.; Joseph L. Weiner; Charles H. Willard.

Don E. Cooper and Jay H. Topkis oppose legislation permitting wiretapping as an unparalleled intrusion on rights of privacy which they believe no presently available evidence justifies.

Mr. COLMER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. REAMS].

Mr. REAMS. Mr. Speaker, I have never asked my colleagues in this House to hear me except on a subject concerning which I would feel I would lose some part of my self-respect if I did not speak out on it. This is one of those occasions.

The House will have before it today a bill to authorize admission in evidence in certain criminal proceedings information intercepted in national security investigations. This bill has been referred to as the antitraitor bill. The unvarnished truth is that it is just an authorization to make evidence secured by wiretapping legal. This bill, H. R. 8649, in its present form makes admissible as evidence in any criminal proceeding any court established by an act of Congress evidence obtained by military intelligence agencies and the FBI as the result of intercepting communications by wire or radio. There is a condition precedent which provides that this wiretapping must be upon the approval of the Attorney General of the United States and in the course of an investigation to detect or prevent interference with plans to criminally endanger the national security or defense of the United States.

Mr. Speaker, I am opposed to this bill in its entirety or any part thereof. If there was ever a time in the history of this country where there was need for the private citizens to feel secure in their home and in their private life, that time is today. I have had rather extensive experience in the prosecution of criminals and I know the lure and desire that comes to a prosecuting officer representing Government to win his case and to convict a criminal. I believe that this is a worthy protective feeling for the country and its people and that an officer charged with the prosecution of criminals should spare no effort when he has become convinced of the guilt of a criminal to secure conviction.

This wiretapping bill, however, goes to the very fundamentals of our Bill of Rights. Even before our Constitution carried the fifth amendment there were 6 States which had already adopted provisions against self-incrimination. This bill seeks to nullify that protection written into the fifth amendment and to cause a person to involuntarily become a witness against himself. The proponents of this bill say that wiretapping is like testimony of a witness whoever hears an admission by the accused and is permitted to testify in the courts. That is not in my judgment a correct interpretation of this wiretapping bill. It makes possible the use of a suspects' own words, reproduced by transcription, in an involuntary fashion as testimony against himself. No careful investigator or district attorney will be satisfied if empowered by this bill to have the words of the suspect repeated by someone else. He would be using less than his authorization by this proposed law if he did not have the voice of the suspect reproduced.

Mr. Speaker, I have been alarmed at the messages I have received from good people who now have the idea that the fifth amendment is either a provision which should never have been in the Constitution or that it is the vestigial remains of an archaic and outworn constitutional provision which should be repealed from our Constitution. Nothing could be further from the fact. This feeling undoubtedly has found its way into our legislative chamber. In itself it is an indication of the danger which we face of losing the civil rights which we in this country have enjoyed to a greater degree than anywhere else on earth.

This fact is shown by the careless and callous way in which we hear expressions, which meant so much to the framers of the Constitution, sneered at by patriotic and able men charged with public trusts today. The cynical use of the expressions "civil rights," "fifth-amendment Communists," and "antitraitor bill" would have struck horror into those who placed the Bill of Rights in the Constitution. Have we become so frightened and hysterical because of the fear engendered by worldwide Communist conspiracy that we are willing to destroy or even weaken the original meaning of these words? Our entire Bill of Rights is in danger.

Mr. Speaker, our district attorneys charged with prosecution of crime are not without adequate means of detection for the punishment of crime. We do not have to look to totalitarian and Red communistic methods of prosecution in order to protect our people and our country. The record of prosecutions under the Smith Act and other provisions of our Federal laws is one which we can review with confidence. In a free democracy under a Constitution which guarantees the right to trial by jury there will always be some offenders who will escape the full punishment which their crime deserves. If that were not true there would be many punished who were not guilty. But I insist, Mr. Speaker, that free government is more important today than ever before and that free government can be injured and weakened a great deal more by destroying the confidence of the citizens in their Government than by the failure to convict a Judith Coplon. Whenever citizens of this country may feel each time that they speak over the telephone that there is a possibility of part or all of their conversation being recorded for use against them, then we have bartered too large a segment of the freedom which we have a right to enjoy. In return for this we get only the possibility of making admissible in court a fragment of self-incriminating testimony against an alleged traitor. That price is too high for free people to pay.

Mr. COLMER. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT of Florida. Mr. Speaker, I rise in favor of the rule. I feel that this bill should be seriously considered on the floor. On the basis of the information I have, it seems to me to be a good bill at the present time. Perhaps amendments could be added to it to improve it. If that be the case, then I would be in favor of that as well. I do not see how anybody could be opposed to the purposes of this legislation or oppose granting the rule on this bill.

I would like to bring to your attention, however, that I think this bill has been blown up out of all proportion in its efforts to meet the problems we have before us. It is a good bill but it scarcely scratches the surface of the problems of subversion in this country.

I wish you would keep in mind that this Congress has been in session for quite some time now and it is even looking forward to final adjournment in a very short period of time. Quite a few months have elapsed since January 1953. Much good legislation has been introduced in this Congress and is now pending before the committees of Congress without having due consideration because of a failure by the executive departments to submit reports and a failure by our committees to hold hearings and to take appropriate action. I would like to point out a few instances of the things that our Government has failed to do on the question of subversion in the face of ample need for prompt action.

For over 5 years, our country has been agitated over the problem of internal subversion. Seldom has an issue received the public attention given this one; and seldom have Americans been stirred as effectively to bitterness against other Americans.

America's international leadership is handicapped. We are not presenting the appearance of assurance which is

necessary to effective leadership. To the international audience we appear to be hysterical, a Nation divided against itself. At home, we are diverted from pressing domestic problems.

There have been two approaches to this problem. The first contends that the threat of Communist conspiracy has been magnified, that extreme anti-Communist methods present a greater danger and that action on the problem should be primarily against those who use these extreme methods, not against the subversion itself. The other approach seems to contend that the success of the Communist conspiracy in America has been greater than is generally realized and that extreme methods which sometimes override the rights of the individual are justified to combat the danger.

The first approach has not only failed it has intensified the problem by seeming to confirm the outcry that there is indifference in high places. The second approach has failed because its methods have been self-defeating. It has contributed to the problem by arousing fears without resolving them. Many on both sides have shown a disposition to capitalize on the issue for political gain, to discuss the problem on the basis of personalities rather than issues, to blame others and to serve their own purposes.

We are not limited to these alternatives. We can take a new grip on the problem of subversion. With this new grip we can, in this year, 1954, quiet the uproar over subversion to a whisper.

First, we should seek the prompt and effective action by the President and Congress which is needed in this field to bring about better laws and better law enforcement. Second, we should strive to raise the level of our handling of this matter to one of patriotism instead of partisanship.

We should recognize that few, if any, issues are of more importance to America today, and that we should give action on this matter high priority. Paradoxically, while sensation in this field has crowded out all else, quiet, effective action has been relegated to low priority status. Both the Democratic and Republican administrations, both the executive and legislative branches are to blame for the paralysis which has afflicted us in this. It has been well said that Senator McCarthy, Republican, of Wisconsin, would probably be a little known midwestern Senator now if the Democratic administration had not presented an appearance of indifference to the threat of Communist conspiracy.

It is now time to recognize that the Republican administration, both in its executive and legislative aspects has taken no active leadership in basic remedial action on this problem. A few more employees have been discharged. The root of the problem is undisturbed. We remain as susceptible as ever to future subversion. The inaugural address, the 1953 state of the Union address, the 11-point legislative program of February 1953, the legislative program resulting from the White House conferences in December 1953, and the 1954 state of the Union address contain few specific recommendations. In them there is no clear call to prompt, effective action. Nor has any real interest in solid accomplishments been apparent in Congress among those who have been most vocal in this field. Their actions mostly concern individuals who are the products of the weaknesses in our laws, not the weaknesses themselves.

It is time to stop the noise by taking effective legislative and executive action. These are now before Congress a number of promising proposals on subversion which have been languishing in committee. Without intending to obstruct, the Department of Justice has delayed, not encouraged, their consideration.

Whether they should be enacted is subject to debate. But it cannot be gainsaid that they are entitled to full and prompt consideration for whatever hope they offer for adding to our national security, quieting unfounded fears, and eliminating this issue as a handicap in our national and international affairs.

Among them are proposals to tighten the Federal laws against Federal employment of subversives, to strengthen the Foreign Agents Registration Act, to lengthen the statutes of limitations on subversive crimes, to urge Federal courts to consider such cases on a high priority basis, to permit Federal judges to deny bail to those convicted of such crimes pending appeals, to prohibit the taking of bail from subversive organizations or their members to increase statutory penalties for such crimes, to take American citizenship from and deport naturalized citizens convicted of such crimes, to require American citizens employed by the United Nations to receive security clearances, to authorize a new Assistant Attorney General to be responsible for combating antisubversive activities, to strengthen the laws against Communist infiltration into labor unions and other organizations, to prohibit the use of the mails for sending Communist propaganda, and to prohibit Government loans to Communists.

By way of specific and further illustrations, I have myself introduced in this Congress the following proposals dealing with disloyalty:

House Joint Resolution 8, which proposes an amendment to the Constitution to bring the definition of treason up to date. Treason is broadened to include adhering to any group which advocates the overthrow by force or violence of the United States Government and collaborating with an agent or adherent of a foreign nation to overthrow or weaken the United States Government, whether or not by force or violence. These acts would not have to be committed in wartime, which is a requirement under present law.

H. R. 3057, which proposes that a permanent statute be made of the rider customarily inserted into each appropriation bill, which rider makes it a felony for a person to accept or hold office or employment in the Government of the United States who, first, advocates the overthrow of the United States Government by force or violence; second, is a member of an organization which advocates such, knowing of such organization's advocacy; third, engages in a strike against the Government; fourth, is a member of an organization which asserts the right to strike against the Government.

H. R. 3398, which would, first, direct the Attorney General to carry on vigorous prosecution of members of the Communist Party for criminal offenses which they may have committed, whether or not those offenses are directly connected with the Communist conspiracy; second, permit Federal judges to deny bail to persons who have been convicted of subversive activities while they are appealing their cases; third, extends the statute of limitations for subversive activities. This would, in some cases, prevent the defense that the crime was committed too long ago, as was the case with Alger Hiss; fourth, tightens the Smith Act; fifth, permits death sentences for peacetime espionage; and, sixth, takes citizenship away from naturalized citizens who have been convicted of Communist activities and permits the deportation of persons who have lost their citizenship in this way.

Members of Congress, and all citizens throughout our country, cannot make decisions on legislation according to the safeguards of proper legislation unless and until the committees of Congress hold hearings. In the face of need for such legislation as this and for similar legislation, this Congress comes forward with this limited bill, dealing only with wiretapping and is considering another limited proposal to outlaw the Communist Party. That is the sum of the activity of this House at this time as far as I can determine. Assuredly, we should get on with the business of considering the legislation that has been introduced.

Usually, a committee's first step toward considering a legislative proposal is to ask for a report from the executive departments concerned. Some committees of this Congress have not even taken this step on some of the important bills of this type before them. Reports were asked as long as 13 months ago on some of them, but the Department of Justice has given leisurely consideration to the bills and has not yet reported on many of them. If this pace continues, these bills have little chance of being considered before this Congress adjourns.

The executive departments have been slow in other ways to take effective action in this field. Under both Democratic and Republican administrations, use of grand juries and other investigative procedures in this field has been minor. In the absence of effective executive action, congressional investigations become necessary.

If the President would now, through the Attorney General, direct the initiation of needed grand jury and other investigations, there might be considerable sentiment in Congress for shifting this function back to the executive and judicial branches. It is obvious that the legislative branch is not equipped to investigate individual misbehavior as thoroughly and as impartially and with as much protection for the individual.

This, then, is the prompt and effective action which should be taken:

First. The President, through the Attorney General, should initiate grand

jury and other investigations to perform some of the functions now carried out by congressional investigating committees and take proper and immediate action based upon such investigations. Such action should include indictment of all who are guilty of such crimes, and trials and enforcement of sentences rendered thereon.

Second. The congressional committees responsible for antisubversive bills should request reports on such bills on which no reports have been requested, and should urge that reports be rendered as promptly as possible.

Third. The President should see that all departments and agencies act quickly on these reports.

Fourth. These committees should begin hearings and report the bills favorably or unfavorably as soon as possible.

Fifth. The bills reported favorably should be brought up for debate in the Senate and the House and, after mature deliberation, passed or defeated.

Finally, we should raise the level of our consideration of this problem. Let us concentrate on issues instead of personalities. Exercising self-discipline, let us resist the temptation to make political capital of the issue, raising it above the level of partisanship to the level of patriotism. Let us seek to foster a greater spirit of unity among Americans, emphasizing the ideals and opinions we hold in common instead of our areas of disagreement. With self-discipline, let us be willing to enlist the support of all who will subscribe to these principles and to share with them the credit for solving this problem.

We should all resolve that we will take a new grip on this problem. By prompt and effective action on the part of the executive and legislative branches of our Government and by raising the level of our consideration of the real issues, we can reduce this problem to minor status in 1954.

When a country is faced—as we and all free countries are faced today—with the covert and insidious attacks of a foreign imperialism which seeks to enslave all free men, we owe to our homeland and to free people everywhere a constructive and prompt program of action. We in Congress should not only be enacting legislation like that before us today but also all other proper legislation which is needed but scarcely considered at the present time. The executive branch of our Government also has duties to perform which need prompt attention. Only by such a program will we be doing our duty in helping to preserve freedom here and throughout the world.

Mr. COLMER. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, I am a little bit out of my own backyard today, but I want to speak to you as one Member of this body who has had some direct experience in my capacity in the United States attorney's office some 18 to 20 years ago, when this evidence was legal. Yes; I have tried a good many cases involving wiretapping evidence. It is effective, make no mistake about that; you are going to get convictions with it; but, in my humble judgment, this is the most dangerous piece of legislation that has been presented for the consideration of this body in a good many years. We are opening the door wide to all the frailties of human nature, with its curiosity and its jealousies, and so forth. Of course, you are dealing with bad subject matters here, but hard cases make poor law. We have fought two wars without this, and we have won them. Of course, some who have been guilty of espionage have gotten away, but I have never seen the day when all the guilty were convicted, and you never will, either. Why open this door? Give it to the Attorney General? I do not care whether the Attorney General is a Democrat or a Republican or belongs to "X" Party or "Y" Party. After all, he is a human being, and, with his 12,000 to 15,000 agents under him, you will be giving a license to each and every one of them to tap your telephone line. Make no mistake about that. If these agents are looking for "X," do not think for a minute that they will not tap 40 other telephone lines besides "X's" telephone line. They have to do that in order to get "X." Then that conversation will be recorded, and you legislate that nothing shall be said and that nothing shall be divulged about it. You are making a mistake if you do this. The Democrats, I understand, are going to offer an amendment to put it in the hands of the district judges. That will help some, but it will not cure it, either. We have done pretty well without this. Of course, the agents may have to work a little bit harder, but let us not take the first step that is as broad as a barn door toward making this country a police state and every neighbor spying and backbiting on the other neighbor. Let us not do that. We can get along without this. It is a terrible thing when you may want to talk on the telephone about a matter that affects you or your family or your friends, and you want to talk in confidence, but when you reach down to pick up the telephone you hesitate and say, "Wait a minute; I better not, because my telephone line may be tapped." And make no mistake about it, in all probability it will be tapped.

Mr. LATHAM. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. CLARDY].

Mr. CLARDY. Mr. Speaker, in all my 30 years of practice I do not think I have ever seen so much legal hair splitting as we are witnessing here today.

Mr. Speaker, I rise in support of the bill and of the rule. I served in the attorney general's office in the State of Michigan long enough to know something about this. But may I point out in reference to the gentleman's remarks about having gone through two wars without this, that we are in the midst of a cold war and we are in the midst of a battle with traitors in our very midst, and I have no sympathy with them whatsoever. It is time we armed ourselves with a suitable tool to meet the onslaught of those who would defeat us from within. All this bill does is to correct a misinterpretation of the intention of the courts on a rule of evidence. It does just that and nothing more. In the final analysis, nothing can be revealed which is not admissible under the rules of evidence as we lay them down here today, and under the general rules of law, as they now prevail. That and nothing more. To say that we should not use wiretapping on traitors, to say that we should not arm ourselves with information in any way we can get it is delivering ourselves into the hands of our enemies. I hope the rule and the bill will be adopted.

Mr. COLMER. Mr. Speaker, I yield myself the 2 remaining minutes. Mr. Speaker, I can well understand the fact that many Members of this House are disturbed about this pending legislation. I can well understand that no good American wants to see any of his rights as a freeman interfered with. I think we are all in accord that we want to preserve those cherished rights guaranteed us under the Constitution and the Bill of Rights. I am equally confident that none of us desire to see America adopt any of the policies frequently prevalent in foreign countries that would in any degree contribute toward our becoming a police state.

On the other hand, I am not so sure that I am muchly concerned over alien saboteurs and conspirators or citizen traitors. And that is what this bill deals with. I do not think it necessarily follows that simply because we make the wiretapping evidence admissible in the case of treason, sabotage, espionage, and conspiracy that we are opening the door to making the same type of evidence admissible in other crimes and misdemeanors. Here we are dealing with traitors.

Mr. Speaker, I submit that so far as the principal is involved it is no different if I as a conspirator against my country confide in my friend, the gentleman from Massachusetts [Mr. MCCORMACK], who has preceded me, of my evil intent to overthrow my Government or to perform some other traitorous act, and he subsequently takes the witness stand and testifies to what I told him, than if the same conversation were recorded as a result of wiretapping and used against me. The one is tantamount to the other.

Mr. Speaker, neither am I concerned about the political aspects involved here. It makes no difference to me nor to the country for that matter of the politics of the gentleman from New York [Mr. KEATING], or my able friend from Louisiana [Mr. WILLIS]. Party politics has no place in the consideration of this matter. Not because he is a Democrat, but because there would appear to be less opportunity for abuse in resorting to the court for this authority I favor the philosophy and therefore the amendment of the gentleman from Louisiana [Mr. WILLIS].

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. LATHAM. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. HYDE].

Mr. HYDE. Mr. Speaker, I have asked for this time not to get into a controversy but to clear up what I think is one misunderstanding. A court order is re-

quired to go into someone's home physically with a search warrant, in order to comply with the fourth amendment, the prohibition against unreasonable searches and seizures. The Supreme Court of the United States in *Olmstead* v. *U. S.* (277 U. S. 438) has ruled that wiretapping was not unreasonable search and seizure under the fourth amendment. Therefore, the same reason for requiring a court order for a physical search does not apply, according to the Supreme Court decision, to the wiretapping.

Mr. LATHAM. Mr. Speaker, I yield the remainder of my time, 4 minutes, to the gentleman from New York [Mr. MILLER].

Mr. MILLER of New York. Mr. Speaker, first I would like to utter the statement that I hope that at least the constitutional questions which seem to be raised in the course of the debate on this rule can be clarified now once and for all and that when we get into the Committee of the Whole we can confine the remarks simply to the issue of the bill.

In the first place, we are all agreed that the Supreme Court of the United States has said that wiretapping has always been considered to be constitutional and is not in derogation of the search and seizure provision of the fourth amendment to the Constitution. It has been so held by the Supreme Court of the United States always.

On the question of ex post facto we all know that ex post facto relates only to the action of a legislature in passing a law which declares an act to be a crime which was not a crime at the time it was committed. So we have no constitutional question on that issue. We are not creating by this bill any enactment which makes an act a crime which was not a crime back when it was committed.

We are merely changing the laws of evidence, the rules of procedure. They are not substantive, and the Supreme Court of the United States and of every State in the Union have always held that no criminal or no defendant has any constitutional rights to rules of evidence. We intend to change them this afternoon I hope, so that we can convict in the courts of the land those who in the past have been guilty of treasonable acts but whom we have not been able to convict because of the rules of evidence.

The only real question involved here is the question as to whether or not we are going to permit the Attorney General to authorize a wiretap or to make evidence adduced thereby admissible in evidence, or whether we shall require a court order.

Mr. Speaker, we are dealing today with a brandnew situation, an entirely new kind of crime involving international conspiracies, the conspirators being in all 48 States of the United States, the need for immediate action requiring the authorization of the Attorney General to act in those cases because there would be no time to go into Michigan, Illinois, Minnesota, New York, and prepare papers and get them typed and signed in various courts where telephones are involved in the same international conspiracy.

I heard the gentleman from Texas [Mr. THOMAS] make a great plea about the frailty of human beings and the insidiousness of wiretapping. That is not before this House on this proposition. The Attorney General can now, and has always been able to, tap wires and get information. Anybody in his office who was frail could divulge it. We are not changing that situation at all except we are adding one more human being who might be frail, that is a judge.

Under this bill this evidence secured is admissible, not anywhere at all—if so it is subject to penalty of fine and imprisonment—only in criminal proceedings in a court of law where an indictment has to be secured, voted upon by individual human beings from all walks of life, the indictment returned. He can use the evidence only as it is material and relevant to the conviction for sabotage and espionage.

I was in Germany associated with a great American, Mr. Dodd, and had a little part in the prosecution of the Nazi war criminals. Those Nazis said they would use the weaknesses of democratic processes to defeat the prerogatives of freemen.

We need this evidence to defeat our enemies here in America.

Mr. LATHAM. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. GRAHAM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8649) to authorize the admission into evidence in certain criminal proceedings of information intercepted in national-security investigations, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H. R. 8649, with Mr. DAVIS of Wisconsin in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. GRAHAM. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. KEATING].

Mr. KEATING. Mr. Chairman, the bill, H. R. 8649, has been very properly and, I might add, accurately described as an antitraitor bill. That is so because the only individuals who will be affected by its operation are those who have been indicted and brought to the bar of justice to stand trial for violating our laws by committing crimes involving our nationel defense and security.

This bill is designed to alter the existing rule of evidence in order that evidence now barred may be admitted in certain criminal cases. At the present time, any evidence obtained directly or indirectly through the medium of wiretapping cannot be admitted under the existing rules of our Federal courts. This rule is predicated upon the second provision of section 605 of the Communications Act of 1934, which provides that no person, not being authorized by the sender, shall intercept any communication and divulge or publish the existence, contents, substance, purport, effect or meaning of such intercepted communication to any person.

In 1928, prior to the enactment of the Communications Act, the Supreme Court in the case of Olmstead against the United States, ruled that the use of wiretap evidence in a criminal trial neither violated the defendant's rights against unlawful search and seizure under the fourth amendment nor his rights against self-incrimination under the fifth amendment. Thus it was that the Federal Government was able to use wiretap evidence to convict criminals.

The enactment of the Communications Act, however, altered the situation for the same Supreme Court in 1937, in the case of Nardone against the United States, ruled that section 605 banned the use of any wiretap evidence in criminal cases in the Federal courts.

That doctrine was expanded 2 years later when the Court again ruled that not only was evidence directly obtained by wiretapping banned, but any evidence obtained indirectly was also banned. The effect of this doctrine is to prevent the use in evidence of any facts which flow from a wiretap. Thus, if evidence, otherwise admissible, is indirectly obtained by wiretapping, it must be excluded.

The most recent example of this doctrine is found in the case involving Judith Coplon. There the Court reversed her conviction and one of the grounds for so doing was the failure of the Government to prove that the evidence used was not obtained from wiretapping.

In all of these cases the Supreme Court has never ruled that wiretapping in and of itself is illegal, but it has ruled that the interception and the divulgence of the intercepted communication is illegal.

It should be kept in mind that this rule applies only in the Federal courts. Today wiretap evidence is admissible in most of the State courts and the Supreme Court only recently held that the prohibition contained in section 605 does not apply to criminal trials in State courts.

This obviously is a loophole in our existing law. It is a loophole that should and must be plugged, and this bill, H. R. 8649, does exactly that.

Why should Federal law enforcement officers be shackled by a rule of evidence which applies solely to them and to no one else? There can be no question as to the authority and power of the Congress to remedy this situation. The sole question is how best to accomplish it.

The fact that wiretapping exists and is practiced daily is denied by no one. Wiretap, when it is carried on by private individuals for their personal gain, is a dirty business and should not be tolerated. On the other hand, the Federal Government should not be penalized when it operates under a fair and equitable procedure controlling wiretapping.

For many years every Attorney General of the United States has permitted wiretapping, and several of them have repeated on numerous occasions the need

to permit wiretap evidence to be used in criminal prosecutions.

This incongruous situation, whereby existing law protects the criminal and hampers the Federal law-enfrocement officials, is based primarily on a feeling that wiretapping is an invasion of an individual's right of privacy. As I stated earlier, there is no constitutional right involved in wiretapping, and the Supreme Court has so held.

What is involved here is what might be termed the nonconstitutional right of privacy. I submit that this concept has been exaggerated and misconstrued.

Stop for a moment and ask yourself what is so sacrosanct about the privacy of a telephone. For years, and even today, thousands of calls are made over party lines. Telephone calls are constantly transmitted over switchboards. Surely there is an invasion of privacy.

And, in the same regard, let me point out to you some of the holdings of the Supreme Court wherein they held certain evidence to be admissible in criminal cases. For instance, the placing of a dictaphone in a man's home was considered mere eavesdropping. In another case, a radio transmitter was concealed on the person of a Federal agent and the conversations overheard were admitted into evidence. I cannot draw a distinction between these cases and wiretapping.

At the same time, I believe that wiretapping should be controlled and, as I will explain shortly, this bill achieves that desirable result.

The hearings conducted on this bill indicate beyond a question of a doubt that this intolerable situation should not be permitted to continue any longer. It was almost the unanimous opinion of the witnesses that wiretap evidence should be permitted to be used in criminal trials involving national security. The need for this legislation can be found in the very nature of the crimes and the criminals involved. The operation of this legislation is limited to such crimes as espionage, sabotage, treason, sedition, and other crimes involving our national security.

No one today questions the existence of an international conspiracy which seeks to destroy our form of Government. Recent examples clearly indicate that subversive zealots are at work seeking to disrupt and destroy our democratic institutions. Such names as Hiss, the Rosenbergs, Fuchs, and Coplon are concrete examples of this criminal element.

They are not the ordinary run-of-the-mill criminal. They are not shoplifters. They are not automobile thieves. They are an archtype of criminal. They are intelligent. They are trained experts in nefarious ways. They utilize every technological advancement to further their work. They are conspirators in a network that stretches from the Kremlin in Moscow into every nook and corner of our land. They operate in stealth and secrecy. Their detection and apprehension involve almost insurmountable obstacles. We should not delude ourselves any longer that in the interest of this so-called privacy we should continue to shackle our law enforcement agents with outmoded and outdated legal principles. If we continue to operate as we are now doing, we may well find that the liberty and the rights which we believe we are protecting have already been destroyed by the very ones who have had the the benefit of this protection.

The bill before you this afternoon simply provides that any evidence obtained directly or indirectly by an agent of the Federal Bureau of Investigation, or of one of the intelligence branches of our Armed Forces, shall be admissible in a Federal criminal trial where the crime involved is one affecting our national security. As a condition precedent for its admission, the interception must have had the express written approval of the Attorney General. This requirement for the approval of the Attorney General is the control which is needed over wiretapping and which will protect innocent people.

The bill will permit the use in evidence of information obtained in the past by wiretapping if the interception had the written approval of the Attorney General. This provision, for instance, may very well permit the conviction of Judith Coplon when she is brought to trial again. It will also permit the Attorney General to bring to trial other individuals whom he has not been able to reach under the existing law. I see no reason for distinguishing the past from the future when it comes to these criminals.

There may be some who will raise the question that the retroactive feature of this bill is an ex post facto law. I have no doubts on that score. This bill, while it is an alteration of the rules of evidence, is not an alteration as to the quantity or the degree of evidence necessary to convict. It is merely a procedural change which does not affect any substantial right of a defendant. No one has a vested right in any existing rule of evidence.

There may be some who hold to the theory that our law-enforcement people should obtain a court order prior to intercepting any communication. There was a time when I entertained this view. I became convinced, however, such a requirement will only place roadblocks in the path of our law-enforcement officials. The very types of crime involved, the criminals themselves, require secrecy. The opportunities for a leak in court procedure are obvious. To be effective, a wiretap must be secret. To require a court order would detract from its secrecy.

Another very necessary factor is speed. To require the agent to go to court to obtain the order could well mean that the criminal has already accomplished his mission and gone on his way. A court order in this instance would be of no value.

Another problem raised by a court order is a jurisdictional one. The order is subject to the geographic jurisdiction of the court. Yet we know that espionage and sabotage not only cross district lines, but even State and Nation. Recall, for instance, the facts regarding the Rosenbergs who were convicted of stealing our atomic secrets. Their activities stretched across the length of this land, with many stopping points in between. How effective would a court-order procedure have been in that case?

In theory a court order procedure sounds good but in practice it would operate badly. I have urged the enactment of this bill in order to unshackle the hands of our law-enforcement agents to detect and apprehend spies and saboteurs. But I fear that to enact a bill such as this with the requirement for a court order would only be trading legirons for handcuffs. Why should our law enforcement people have to chase a jet plane on horseback? If we are going to do this job, let us do it right.

May I point out to those who fear an abuse that it would be far easier for the Congress to control one Attorney General than to attempt control over a few hundred judges. I have no fear of an abuse of this privilege by the Attorney General, but I do think that we will have more control over it by placing it in his hands than in the hands of the Federal judiciary.

I urge this bill solely in the interests of national security. I say this rule of evidence which has protected traitors all these years should be abolished now. The immunity which the law has cloaked around a telephone conduit should be stripped off. This bill, H. R. 8649, will put common sense in our rules of evidence.

Justice Jackson, in discussing the conflict between the responsibility of law enforcement and the protection of the rights of the individual, had this to say:

> Unless the Court starts to temper its doctrine with logic and a little bit of common sense, you are going to turn the Bill of Rights into a suicide pact.

These words apply no less to the legislative than to the judicial arm.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from Louisiana [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, I will offer a substitute for the pending proposal, H. R. 8694, but if it is defeated, I will support this measure because I think there is a desperate need for wiretap legislation in cases involving treason and our national security.

In order to understand the imperative need for this legislation it is important to review its history.

In 1928, in the case of Olmstead against the United States, the Supreme Court of the United States, by a margin of 5 to 4, held that the introduction of wiretap evidence did not violate the defendant's rights against unlawful search and seizure under the fourth amendment, nor his rights under self-incrimination under the fifth amendment. Six years later, in 1934, Congress passed the Federal Communications Act. Section 605 of the act provides that—

> No person * * * shall intercept any communication and divulge * * * such intercepted communication to any person.

In 1937, in the case of Nardone against the United States the Supreme Court construed section 605 to mean that wiretap evidence cannot even be divulged in court. It, therefore, held that wiretap conversations are not admissible in evidence in any case in the Federal courts.

In 1952, the Second Circuit Court of Appeals barred wiretap evidence and wiretap leads in the Judith Coplon case.

It was against this background that my good friend, the gentleman from New York [Mr. KEATING] introduced his bill, H. R. 477. Other bills were also introduced.

Now let me make one point perfectly plain. Mr. KEATING and I have always agreed and we now agree upon the proposition that we must have legislation on this subject. We have always agreed and we now agree that a way must be found to permit the introduction of wiretap evidence in the Federal courts in cases involving treason and national security. We have always agreed and we now agree on the principle involved. Moreover, he and I and all the other members of the subcommittee agreed on the method until just a few days ago. It was the unanimous feeling of the subcommittee that the ultimate power to authorize wiretapping should reside in the courts, just as in the case of a search warrant, rather than in the hands of the present and future Attorneys General. And that will be the one and only issue the Members of this body will be called upon to vote on under a substitute which I will offer in lieu of the proposal presently before us, H. R. 8694, introduced April 1, 1954.

Let me explain the important difference in the methods. But first I want to thank and compliment my good friend the gentleman from New York [Mr. KEATING] for the fair and impartial manner in which he presided over the hearings. It was a difficult task to perform and he discharged it with credit to himself and as a Member of this House.

The Keating bill, H. R. 477, as originally introduced, provided for a court order approach. I think that is by far the better approach; it follows the pattern of our constitutional provision in respect to searches and seizures.

Our founding fathers were faced with two propositions. On one hand, they were familiar with the common-law principle that a man's home is his castle. On the other hand, however, they could not tolerate the idea that a man's home should be a sanctuary for law violators or a hiding place for evidence necessary to convict guilty people for crimes committed against society. They had to find a way to permit entering a man's home to obtain the evidence. For that purpose they formulated the device of a search warrant, which requires the intervention of the prosecutor and the judge.

Accordingly, before an enforcement officer can enter a man's home, he must follow the procedure required by the Constitution. He must obtain a search warrant from a court. Evidence thus obtained may be offered before the jury. But in the Federal courts evidence obtained illegally and without a search warrant can be suppressed. It cannot be offered before the jury; it is inadmissible.

As I have said, in the Olmstead case, decided in 1928, it was decided that tapping a man's telephone did not constitute a search of his home within the meaning of the fourth amendment. The divided Court, by a margin of 5 to 4, reasoned that since the person on the telephone was far away from the home, he could not be said to be physically entering the home in order to search it. I respect the decision and I hope that it will never be overruled. I am wondering though if the telephone had been invented and been in use when the Constitution was written whether our Founding Fathers would not have felt obliged to devise a procedure comparable to the search warrant before wiretap conversations could be admitted in evidence before the Federal courts. I personally think they would.

In any event, we are now called upon for the first time to provide a way for the admission of wiretap conversations into evidence before the Federal courts in cases involving treason and our national security. Whatever we do will certainly be litigated. You must realize that the Olmstead case has never been reviewed or tested head on since it was rendered in 1928. This is so because after 1928, the act of Congress of 1934 barred the admission of wiretap evidence; hence it was unnecessary to attempt to attack or reevaluate the decision of 1928. I think, therefore, that the method we devise should be foolproof under all circumstances, even if the Supreme Court decision in the Olmstead case should be overruled. And I think it would be safer to follow the pattern set forth and the guideposts deeply rooted in our Constitution in respect to searches and seizures.

In that connection, I want to call your attention to the testimony of Mr. Miles F. McDonald, district attorney of Kings County, N. Y. There is a law in New York permitting wiretap evidence in State courts. Mr. McDonald, as district attorney, has probably had as much experience with the legal effect and practical operations of a wiretap law as any living person. I asked him the following question:

Is a court order pretty close to a warrant?

His reply was:

It is practically nothing else.

There is another reason why I think it would be better and safer to follow the court-order approach. This approach would preserve our time-honored and tested systems of separation of powers and checks and balances.

Let me illustrate what I mean. It is no secret that the FBI tap wires in cases involving treason and our national security. Mr. J. Edgar Hoover is probably one of the most respected citizens in the United States. He probably knows more about the sensitive problem of wiretapping than any living person. He is at the head of the FBI, which supervises the actual wiretapping. Yet, he has taken the position that he does not want the sole responsibility for wiretapping. He insists upon the advice and counsel of the Attorney General. He realizes that 2 heads are better than 1 in such a sensitive field.

Perhaps we can place Mr. McDonald next only to Mr. Hoover in connection with wiretapping experience. He said that the wiretap law of New York requires a court order, and he testified that he would not want it any other way; that the responsibility is too great for one man; that a law enforcement officer should not be a prosecutor and judge at the same time.

Mr. Chairman, this is a government of law and not of men. Individual officials mean nothing to me. And for the reasons I have given I felt that this power should not have been given to Mr. McGrath or Mr. McGranery yesterday, and I feel that the same power should not be granted to Mr. Brownell today and to his successors tomorrow.

But you will hear that if we should give the power to the courts delays might be incurred and secrecy might be violated. I do not accept the validity of that argument.

The testimony of Mr. McDonald covers 20 pages. We questioned him about every aspect and practical operations of a wiretap law. On the question of delays, he specifically said that wiretapping was expensive, cumbersome, and time consuming. He said, however, that obtaining a court order was a simple thing; that it presented no problem of procedure and involved absolutely no delay.

On the question of secrecy, the situation is this. The court order would be prepared by the Attorney General, no doubt with assistance down the line. It would be dictated to a secretary in the Department of Justice. It would be presented to a Federal judge and signed by him. He would retain a certified copy, under seal. He and he alone would know about it so far as the court is concerned. Arrangements would have to be made with an official of the telephone company, and then someone would have to sit in a booth or elsewhere for days and months to listen to the conversation. A mechanic or mechanics would do the actual wiretapping, I think this procedure makes it all the more necessary that we have a Federal judge as umpire in these operations. It is simply inconceivable to me that this so-called element of secrecy can possibly enter into the picture so far as the Federal judge is concerned. Besides, has the time come when we cannot trust our courts?

After hearing all of the evidence and argument, the subcommittee voted unanimously to require a court order. Before the full committee, Mr. KEATING offered a substitute to give the power to the Attorney General, without a court order. And that is the measure presently before the House.

I hasten to say that Mr. KEATING gave a strong reason for his change of position so far as the past is concerned. It is this. Attorneys General in the past, including Mr. Brownell since 1953, authorized wiretapping through the FBI. Of course, this was done without a court order. We are told that certain persons could be convicted under this evidence, if made admissible in the courts, but Mr. KEATING properly points out that unless a retroactive provision is attached to the bill, those persons will or might escape punishment.

Accordingly, I am going to offer a substitute for the pending proposal. I will

discuss it later. In short, my proposal will do three things. First, section 1 will make it possible to prosecute persons for treason and for crimes affecting our national security, on the basis or with the aid of whatever information was obtained prior to the effective date of the act and now in the possession of the Attorney General. Second, section 2 will preserve the court order approach in connection with wiretap information obtained after the effective date of the act. Except as to the cutoff date and the court order proviso, the language of sections 1 and 2 is identical with the language contained in the bill now under consideration—H. R. 8649. Third, I have added a new section, which is a simple separability clause.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman since I paid him that compliment.

Mr. KEATING. Having mentioned my name, I want to say to the gentleman that the same goes for every member of the subcommittee. We were wrestling with a difficult problem and everyone worked hard. I appreciate sincerely the fine help which was given to me by all Members on both sides.

Mr. WILLIS. I thank the gentleman.

Mr. DIES. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield briefly.

Mr. DIES. Will the gentleman explain what his motion is?

Mr. WILLIS. My substitute will accomplish three things. One, it will split the first section of the Keating bill in two, and it will say that the information obtained prior to the effective date of the act, which is in the hands of the Attorney General right now, and on the basis of which he says he can convict, can be used in the courts.

Second. Now that we are resolving the question as a brand new proposition, it will require a court order in the future, just as in the case of a search warrant.

Third. Of course I have to add a separability clause.

Mr. GRAHAM. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. MEADER].

Mr. MEADER. Mr. Chairman, I support H. R. 8649 authorizing the introduction in evidence in criminal proceedings in Federal courts of information obtained through the interception of telephonic and telegraphic messages in investigations affecting the national security. I shall also support, however, an amendment to the bill vesting in the Federal courts rather than the Attorney General the power to authorize wiretapping.

There is need for this legislation. The state of the law respecting the admissibility of evidence surreptitiously obtained by Federal law-enforcement officers is confusing. The Supreme Court in its decisions beginning with the Olmstead case in 1928 has wavered between the extremes of allowing evidence to be introduced although illegally obtained and in the second Nardone case excluding not only the evidence obtained by interception but any evidence developed as the result of leads obtained by interception. The one thing which seems to be clear in the decisions is that no constitutional provision is involved and that Congress has the power to legislate in this field.

Two fundamental principles are involved—on the one hand the right of privacy of the individual, and on the other, adequate means to detect and punish enemies of our Government. The problem for the legislator is to weigh carefully these two conflicting principles and decide which should outweigh the other in the public interest.

In these days of the cold war, marked by fifth-column activities, infiltration, and subversion, the need of our Government for self-preservation must come first even at some sacrifice of traditional individual privileges and liberties. It will be of little avail to say that we have preserved all such rights and privileges if the Government which guarantees them is overthrown.

In seeking to arm and fortify those responsible for the protection of our Government through the enforcement of criminal laws, however, we should sacrifice no more of the rights and privileges of individual citizens than is absolutely necessary. We should seek to forestall and prevent abusive invasions of individual privacy. For this reason I favor the safeguard of a court order to authorize the interception of telephonic and telegraphic messages.

Although I am a member of the Judiciary Committee, I did not have the privilege of serving on the subcommittee which conducted hearings on this legislation and reported to the full Judiciary Committee precisely the kind of measure which I have said I favor. However, when it appeared that the Judiciary Committee seriously contemplated recommending favorable action on this legislation to the House, I made as exhaustive a study of the subject as time would permit. I not only read the hearings of the subcommittee completely and all the bills introduced in the House of Representatives on this subject, but also examined discussions both in legal and nonlegal publications. There are three recent law-review articles which I commend to my colleagues. They are, first, comments on Constitutional Law—Due Process—Coerced Confessions and the Stein Case, Michigan Law Review, volume 52, No. 3, January 1955; second, notes on Admissibility in the Federal Courts of Evidence Obtained by Eavesdropping Through the Use of Communication Devices, Wyoming Law Journal, volume 7, No. 2, winter 1953; and, third, Congressional Wiretapping Policy Overdue, Stanford Law Review, volume 2, No. 4, July 1950.

The primary question, therefore, becomes whether the authority to authorize wiretapping should be vested in the Attorney General or in the Federal courts. The Attorney General argues:

First. That he can be trusted with this power.

Second. That obtaining court orders will involve delays in investigations.

Third. That the possibility of leaks is increased, if a court order must be obtained.

Fourth. That there will not be uniformity because each judge will have a somewhat different view about the showings to be made as a basis for the order.

Fifth. That there is evidence now in the possession of the Justice Department obtained through wiretaps which would enable the Justice Department to proceed with certain prosecutions for which the evidence is insufficient unless the wiretap evidence is admissible in court.

On the other hand, it is argued:

First. That, regardless of personalities, the executive branch of the Government ought not to be granted this unusual power of invasion of privacy without checks and restraints by an independent branch of the Government.

Second. That frailties of human nature and the prosecutor's zeal naturally tend to rashness, excesses, and abuses.

Third. That an ex parte showing by law enforcement officials of a prima facie case for the interception of messages is neither unnecessarily burdensome nor time consuming.

Fourth. That Federal judges can be trusted to preserve the confidential nature of the proceedings authorizing interception of messages.

Fifth. That, as a practical matter, the court order authorizing interception is final whereas the alternative method would require a showing of the Attorney General's approval and the nature of the investigation. This would automatically open up for cross-examination by defense counsel a field of inquiry which, in the interest of effective investigation, ought to remain closed.

Sixth. That because of the veto power, authority once granted to the executive without restraint would be very difficult for the Congress in the future to recall.

It is my judgment in weighing these arguments and in the light of the past 20 years of public controversy on this subject that we should go slow in this field. We are dealing with the sacred rights of individual citizens which are the very essence of our form of government. They should not lightly be whittled away. Accordingly, I shall support a proposal which would require the approval of a court for the interception of messages. If this procedure proves in practice to be cumbersome and unworkable, the Congress can then consider whether the court procedure can be improved and expedited or whether to grant the power to the executive branch of the Government.

Mr. Chairman, when I originally became a candidate to serve in the United States Congress, I told my constituents that I was alarmed over the rapid concentration of political power in the executive branch of the Government and would resist and challenge further grants of power.

In this instance I am convinced that additional weapons are needed by our law-enforcement agency to deal with the sinister assaults upon our form of government which we face today as never before in our history. But I am likewise convinced that this new power can be hedged with controls which will minimize the possibility of its abuse. I am also impressed by the rather technical point that investigations of treason, espionage, and sabotage may actually be hampered

if the Attorney General is given the untrammeled authority he now seeks. Zealous defense counsel, by exploring the nature of the investigation in which messages are intercepted may well expose or threaten to expose sources of information or other confidential matters which would nullify efforts to track down and punish clandestine agents and activities.

I sincerely hope that my colleagues will give careful thought and study to this legislation and adopt a measure which will clarify national policy in this field, will grant adequate means to those charged with the protection of our Republic, but will at the same time guard against possible abuses of individual rights.

There are two aspects of this debate which I think have not received the attention they deserve. The first one is that we are legislating in a completely new field. We are legislating in the very delicate field affecting private rights, the right of the individual to privacy and to liberty. I think we should go slowly in this field. I would take the first step of permitting the court to authorize the interception of telephonic messages and then, if that is not an adequate tool for the law-enforcement agencies in combating subversion, treason, and espionage, I would take the next step of granting the authority directly to the executive branch of the Government.

But let me point out that as a practical matter if we now take in one leap the vesting of this authority in the executive branch of the Government, we will have put this power beyond the power of Congress to recall, because any legislation repealing that power will have to override a Presidential veto. Any President will support his Attorney General. Otherwise, he ought to fire him. Once the Attorney General has this power he would be reluctant to relinquish it.

The second point is a practical and technical one. It was raised by counsel for the subcommittee, Mr. Foley. He pointed out that a court order is final and conclusive proof of the admissibility of the wiretap evidence, if it is otherwise admissible, and counsel for the defense cannot go behind that order. Under the New York practice it can be attacked directly but not collaterally. It can be attacked in advance of trial by a motion to suppress evidence.

In this bill, as Mr. Foley points out in the hearings, and I direct attention to page 81 where Mr. Foley asked the question of Mr. McDonald, and also to page 40 where the same question was asked the Deputy Attorney General, Mr. Rogers, the proof must show, first, that the express written approval of the Attorney General was given and, second, that it was given in connection with the investigation of a matter affecting national security. That proof must be for the purpose of laying a foundation for the introduction of the wiretap evidence. Once proof of the nature of the investigation has been offered by the prosecution, then the defense counsel is at liberty to go on a fishing expedition to find out the nature and character of the investigation to be sure it is not one involving a misdemeanor. It would be difficult to prevent him from exposing the sources of information available to the FBI in preliminary investigations. I say, on that account, that as a practical matter the FBI and the Attorney General ought not to desire this untrammeled authority for the executive branch of the Government, but ought to seek the protection of a court order.

Mr. CELLER. Mr. Chairman, I yield 8 minutes to the gentleman from New York [Mr. FINE].

Mr. FINE. Mr. Chairman, my purpose is to acquaint you with the background of the problem we are considering today.

I am a member of a subcommittee of the Judiciary Committee, which was charged with the responsibility of examining into the problem of wiretapping and then reporting its recommendations to the full committee. I am proud to be associated with the members of the committee, composed of 3 Democrats—Mr. WILLIS, of Louisiana; Mr. DONOHUE, of Massachusetts; and myself; and 3 Republicans—Mr. KEATING, of New York; Mr. CRUMPACKER, of Indiana; and Mr. TAYLOR, of New York—all men of integrity, industry, and ability, who considered the problem on a nonpartisan basis and after extensive hearings and a conference with the Attorney General finally agreed unanimously on the first Keating bill with an amendment in the nature of a substitute, that is, to permit the introduction in evidence in a criminal case affecting our national security, of only that wiretap evidence obtained after a court order had authorized the wiretap. And we reported that recommendation to the full committee.

The full committee some months later, in a split vote adopted—not the Keating bill as recommended—but a new Keating substitute, and ordered it reported as H. R. 8649, now before this committee for consideration. This new version places the control of wiretapping in the hands of the Attorney General of the United States, instead of the Federal courts.

The simple important issue left for your decision, therefore, is whether the actions of Attorney General should be checked by the courts. We had agreed that some limited form of wiretapping is required in national-security cases.

Our subcommittee considered the problem with a full recognition of the conflicting interests involved.

On the one hand, wiretapping is said to be one of the most effective devices in the hands of law-enforcement agencies and a device needed to put such agencies on the same technological footing as criminals.

On the other hand, wiretapping necessarily involves an unparalleled intrusion on the rights of privacy. There is something repugnant in having others listening in on any personal telephone conversations, but the wiretap is particularly insidious because the main purpose is that the person whose conversation is being tapped shall not know of its intrusion. A wiretapper is a peeping Tom with a latchkey plus invisibility—wiretapping not only offends our sense of privacy, but also offends basic and, far more important, political instincts, since it affords a means by which governmental authorities can learn opinions and other confidential data of any citizen. By wiretapping, a government can, with far less effort than in any other way, keep track of the thoughts and opinions of its citizens, without their even knowing it.

Mr. Justice Jackson in Irvine against California, decided February 8, 1954, by the United States Supreme Court, warned that:

> Science has perfected amplifying and recording devices to become frightening instruments of surveillance and invasion of privacy, whether by the policeman, the blackmailer, or the busybody.

Equally important, it is widely reported that tapping of wires on a considerable scale is carried on by private persons for their own private ends and that this practice flourishes unchecked.

I read the other day that one Senate committee investigating wiretapping in 1951 uncovered the extensive nature of illegal wiretapping when it found that the wiretap of a public officer employed by the House Subcommittee on Public Works was terminated because of failure of the telephone line—due to the fact that others were tapping the same telephone.

Opposition to promiscuous wiretapping was urged by J. Edgar Hoover in 1941, who said:

> I have always been and am now opposed to uncontrolled and unrestrained wiretapping by law-enforcement officers. Moreover, I have always been and am now opposed to the use of wiretapping as an investigation function except in connection with investigations of crimes of the most serious character, such, for example, as offenses endangering the safety of the Nation or the lives of human beings * * * and even then (I would favor wiretapping) in such limited group of cases only under strict supervision of higher authority separately in respect to each specific instance.

The main argument on the part of the advocates of wiretapping is to protect citizens against international conspirators. At the same time, no provision is offered to protect citizens from wiretapping by police officers or private citizens when such wiretapping has no relation to national security.

I felt that the proper balance of the interests of national security and individual privacy can best be achieved by our adoption of the following principles:

First. Wiretapping should be permitted in cases affecting national security; and

Second. Upon application by the Attorney General, to a Federal court in the district where the wiretap is to be made, a judge of such court may make an order permitting a particular wire to be tapped for a specific time.

I offered an amendment in committee to reflect the safeguards contained in the first Keating bill, and at the same time to prohibit wiretapping in cases which do not affect national security.

The Judiciary Committee decided that, since legislation before us dealt only with cases of national security, all other facets of wiretapping should be considered later in new legislation. So the issue was limited to wiretapping in criminal cases affecting national security, to be controlled either by the Attorney General or

the courts. The requirement of a court order would provide protection against arbitrary, capricious, or indiscriminate invasion of privacy.

It is our position that the head of the department which will use wiretaps and is in a position to abuse that privilege should not be the sole judge of the propriety of such wiretaps. The judiciary can furnish the assurance of an independent examination. This independent examination is a necessary preliminary to each and every wiretap.

Two reasons have been urged for not requiring a court order before each and every wiretap.

First. Need for security; that is, the avoidance of leaks and secrecy.

Second. The need for speed.

Neither reason, in my opinion, is adequate.

As to the first—the most important argument made publicly by the Department of Justice—only one additional person need learn of a contemplated wiretap if a court order is required—the judge himself. If the New York procedure can serve as an example, the affidavits in support of an order to permit a wiretap are submitted in confidence to the judge and need not go through any clerk or other court functionary. The order granted is not published. The order and affidavits are filed in the judge's own safe. The danger of a leak in letting one additional person—and a Federal judge at that—learn of the wiretap is miniscule when one considers the number of people who are necessarily aware of the tap—a large staff to locate the proper wires, install the equipment, keep the equipment under surveillance, and transcribe any information secured, let alone the telephone company personnel who provide information as to leads, and the people within the Department of Justice who have ordered the tap—or to whom the information may be sent.

As to the second, the supposed need for speed. A good wiretap cannot be installed within a short time, and during the time it would take to complete arrangements for the tap there would be adequate opportunity to obtain a court order.

Both objections are certainly insignificant, when weighed against the purposes which the order is intended to serve.

On April 2, 1954, the committee on Federal legislation of the association of the bar of the city of New York adopted an interim report on this bill—H. R. 8649, KEATING—which stated, in part:

> The importance of a prior court order for any wiretap is much the same as in the case of a search warrant. The requirement of a search warrant is made "so that an objective mind might weigh the need * * *. The right of privacy was deemed too precious to entrust to the discretion of those whose job is the detection of crime and the arrest of criminals. Power is a heady thing * * *." (*McDonald* v. *U. S.* (335 U. S. 451, 455).)
>
> District Attorney Miles F. McDonald testified favorably as to his experience under the New York statute requiring a prior court order for any wiretap: "I think prosecutors, myself included, can be overzealous * * * the judge is a safeguard." He also testified that he had never had any bad experience as far as leakages in the court are concerned. (Hearings, pp. 80, 82.)

The committee, under the able guidance of Mr. Theodore Pearson, its chairman, concluded:

> We believe that a sound statute can be drawn and should be enacted, authorizing certain wiretapping under adequate safeguards, including a prior court order.

I am sure that you will, upon reflection, agree with the unanimous determination of the Judiciary Subcommittee that an elementary regard for separation of powers suggests that a court warrant is the far wiser procedure.

Mr. CONDON. Mr. Chairman, will the gentleman yield?

Mr. FINE. I yield to the gentleman from California.

Mr. CONDON. I just wonder in the original approach to this, which was the court order approach, what sort of showing had to be made. Would it be on affidavits?

Mr. FINE. The gentleman will have an opportunity to read the proposed substitute, and then he can see the requirements therein contained.

Mr. GRAHAM. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia, a member of the committee [Mr. POFF].

Mr. POFF. Mr. Chairman, during the short time that I have been in Congress, I have been called upon to make a lot of decisions which have challenged my sincerest convictions. I have often wondered whether I was right when I voted as I did. Some of the skillful debaters on both sides of the aisle have been able to make appear what once was black to be white and what once was white black. But I have absolutely no hesitation, no reservation, no equivocation, and no qualification in making the decision to vote for this bill as it has been reported to the House.

Mr. Chairman, it has been said quite forcefully that we are dealing here with a fundamental principle, and, indeed, we are. But, as I see that principle, it is the question of a compromise of the privacy of an individual, on the one hand, and the security of the Nation, on the other. Let us be clear in our thinking here and let us realize that this bill does not legalize wiretapping and it does not outlaw wiretapping. We are dealing solely and exclusively with a rule of evidence. This bill simply makes admissible what heretofore has been inadmissible.

Much has been said about the amendment which will be offered concerning the court order. Let me call your attention to the fact that the reason the court order is required for a search warrant is the provision of the fourth amendment with respect to unreasonable search and seizure. In the Olmstead case, which was decided in 1928, the objection was made to the admission of wiretap evidence under the authority of the fourth amendment on the ground that it was a violation of the unreasonable search and seizure provision. Bear in mind that in that case there was no Federal court order. Nevertheless, the court decided that the admission of wiretap evidence was not a violation of the provision against unreasonable search and seizure.

In the same case the Supreme Court held that the admission of that evidence was not a violation of the fifth amendment concerning self-incrimination.

That being true, it is equally apparent, on the one hand, that wiretap evidence was admissible before the enactment of the Communications Act in 1934 and was inadmissible after the enactment of that act only by reason of the enactment of section 605 of that act.

Permit me, if you will, to read a brief portion of the hearings on page 19, taken on May 20, 1953:

> Speed is essential in these matters. If you have to go to a Federal judge who may be sick or disabled, who may be on vacation, who may be fishing, then you leave the officials who want to get the authority stranded; and I believe, therefore, it would be far better to have this authority centralized in the Attorney General, when members of the Judiciary Committee could watch this situation.
>
> I have every confidence in the present Attorney General, and I happen to know him personally, and I would implicitly give this authority to the Attorney General without the slightest equivocation, without the slightest hesitation.
>
> If at some future time we feel the Attorney General isn't of that high stamp, we can withdraw the privilege; we can watch it; we can investigate; we can do all sorts of things to protect the citizens' rights.
>
> But, after a great deal of thought on this matter, I think it would be better to have the matter lodged, the power lodged, in the Attorney General.
>
> * * * * *
>
> Now, I happen to know that there is no secrecy on occasions in the granting of these ex parte orders in New York, and I think we ought to take a leaf from that New York book and be mighty careful.
>
> For that reason, I am of the opinion that only the Attorney General should have the right and there should be no need to go to a United States district court for this order.

You might expect these words to be those of the Attorney General, but they are in fact the words of our esteemed, distinguished and able colleague the gentleman from New York [Mr. CELLER]. I submit that that language is the best possible argument against the proposed amendment.

I am not impressed with the argument that wiretapping is a dirty business. Sedition is a dirty business. Espionage is a dirty business. Treason is a dirty business. If legislation is necessary to regulate wiretapping by individuals other than the FBI and the intelligence units of the armed services, such legislation should be separate and apart from the bill now before us, which deals only with a judicial rule of evidence, and should be referred when introduced to the Interstate and Foreign Commerce Committee, which alone has jurisdiction over the Communications Act.

In all cold logic, why should not wiretap evidence, accumulated under the safeguards provided in this bill, be admissible in a prosecution for crimes affecting our national security? A personal conversation between two conspirators overheard by a third party is admissible. The conversation of two criminals transmitted over a walkie-

talkie concealed on the body of a third person is admissible. Conversation between two defendants transmitted over an open dictaphone is admissible.

As far as personal privacy is concerned, let us make no mistake here on the floor today. Treason deserves no privacy.

Mr. FEIGHAN. Mr. Chairman, I yield 8 minutes to the gentleman from Georgia [Mr. FORRESTER].

Mr. FORRESTER. Mr. Chairman, the legislation for consideration today demands our best efforts. It requires the complete elimination of party lines. I am certain that your consideration will be as true and loyal Americans, and I assure you that my discussion will be based upon such premise.

There is no man in Congress who despises disloyalty to our Government more than I do. For years I have been alerted to the dangers our country is confronted with because of enemies in our midst. These dangers are exceedingly real, and it is not to our credit that legislation of this kind has not been provided before now. I consider it a privilege to have a small part in bringing this legislation into being. If I have any talent for the law; if my many years of the active practice of the law has made me competent in the slightest degree to help frame a law or laws that will protect our country against those who would overturn it by force and violence, I am proud and humble over that fact, and I certainly will not fail to take advantage of that opportunity.

All of us are lawyers for our country today. Our oath makes that so. As a Southern States rights Democrat, I am joining hands with the Republicans and Democrats of this body, saying unequivocally we will pass a law today against the enemies of our country. Be certain I am going to vote for the passing of such a law. In the meantime, I am going to try to get the best law, grounded upon our legal jurisprudence and in complete harmony with our traditions, that will afford complete protection to our country and our people at the present time and in the future.

At the present time I am supporting the substitute. As a matter of fact I had a part in the framing of this substitute. There were two bills before our committee. I did not completely approve either. If you will pardon me, I thought both could be improved on, and this substitute is in line with my views of a better bill. The bill reported out of the committee provides simply that information heretofore, or hereafter, obtained by various Federal agencies, as a result of the interception of any communication by wire or radio upon the express approval of the Attorney General in the course of any investigation to detect or prevent any danger to the national security, in the instances named, shall be admissible, if not otherwise inadmissible, under our rules of evidence in any trial court established by Congress.

Now let us reason a little for America now. Whatever law is enacted upon this subject will be scrutinized and criticized as no other piece of legislation passed by this Congress. Do you agree on that? The Civil Rights Congress, the Civil Liberties League, the National Lawyers' Guild, and every organization in this country labeled by the Attorney General as subversive will have its legal counsel comb every line with a fine tooth comb to prevent this law becoming effective. I want this law to be effective, and so do you. We have had time to study this subject now, and it is our duty and our privilege to write a law that will withstand any attack made by the persons who would overthrow this Government by force and violence. We need an effective law now. We may need it desperately soon, and anyone who has been reading the news of the world in the past few days would not challenge this statement. I do not believe President Eisenhower talked to us over television Tuesday night without purpose. We want to stop any lawyer in his tracks now who does not have our national peace and security in his heart. Is that sound? If we were representing a private client for a fee we would certainly give that approach. There is more than a fee involved here. Our lives and all we hold dear are involved.

I have no argument against making evidence heretofore obtained admissible. I am glad to have the opportunity of doing so. In fact, I was somewhat apprehensive of the language in the bill approved by the Attorney General, making this evidence admissible only upon a showing that this evidence was obtained upon the express approval of the Attorney General. I was apprehensive sufficiently to call that office and ask if that language would put a burden of proof upon the Government which the Government could not carry. The identical language is in this substitute because that office advised me that it felt it could carry that burden. If there is any apprehension now upon the part of the Attorney General, the advocates of this substitute will be glad to amend it so as to relieve any apprehension whatsoever. So far as the heretofore provision is concerned, I am absolutely for that provision as much as the Attorney General, or any other person could be. Why? Because it is to correct any omission to act, to remedy the past and to prevent traitors and the like to escape trial in our courts.

I object to the committee bill giving this exclusive power of approval to the Attorney General in the future. I hope those sitting in the Republican and Democratic aisles will agree with me. We are correcting the past the best we can, but for the future, we can correct this matter entirely.

This substitute is an improvement in that it provides that after the effective date of this act, which is the date this act becomes law, that thereafter, any agency which wishes to obtain such evidence shall obtain the expressed written approval of the Attorney General and that prior to intercepting such communications, such agency shall obtain an order from a judge of the Court of Appeals, or any District Court, allowing such interception, upon showing that there is probable cause. I digress now to state for this RECORD, that it is my understanding that a telegram or a memorandum showing the approval of the Attorney General shall be construed as an express written approval of the Attorney General.

Now, is not that provision a salutary provision? There is no delay involved here. Maybe the Attorney General did not fully comply in the past with such language, but that is in the past, and the Attorney General will note after the effective date of this act that he must approve, and, of course, the language "Attorney General" means also his deputies and those authorized under the law to act for him. Upon such approval, any Federal agency named herein can go before any judge of the United States court of appeals or any Federal district judge in the United States and get an order upon showing probable cause. That will be some preventive against abuse. That will serve to prevent this power ever being used for political purposes. I say this—the unrestrained power contained in the committee bill will sometime be used by someone for political purposes. Do I say Attorney General Brownell will use that power for political purposes? I do not. I simply say that somewhere down the line, some Republican or Democratic Attorney General, or his deputies, will sometime use that power for political purposes. In legislating for the future, I would not give this exclusive power to any of our Democratic Attorneys General, and I do not want to give it to any other Attorney General. I would be naive, and so would you, if without naming names, I did not admit that sometimes Attorneys General who are part of the executive branch of this Government, did not play a little politics, such as even appearing in courts in cases in which the Government was not a party, as a pretended friend of the courts, but undoubtedly proceeding on a political basis, and the Republican and Democratic Attorney Generals' records are equally given in that respect.

I believe in the judiciary generally. I am not enthusiastic over our United States Supreme Court, but the reasons causing my not being stem completely from the actions of the executive branch. I am committed to the judges of the district courts. I practiced law in the lower courts many years, and I saw some who maybe practiced law by ear, but I never saw a crooked one. I never saw one that could not be fully trusted to discharge his duty to the United States of America. Our judiciary, generally, has not failed, and thank God for that. There are only two arguments that can be pressed against this court order, one being that it would cause delay, and the other being that all judges are corrupt. It cannot cause any unreasonable delay, as we have purposely provided that any district judge in the United States could sign such an order. If all judges are corrupt, and I repeat that they are not, there is no need to legislate and we can go home and wait for the deluge that is sure to come.

This court-order requirement is a part of our jurisprudence. It follows out our searches and seizures law and satisfies every constitutional precept. In this substitute we turn from an executive

officer, as is the Attorney General, to a judicial officer. We are a Nation of lawyers and courts, and when we cease to be, no longer can the vicious and the meek come together on equal terms. Somehow I wish that the Attorney General would put his stamp of approval on this substitute. I am persuaded that the large majority of the Committee on the Judiciary supporting the committee bill, would be much better satisfied by the provisions in this substitute. I have no reason for making this observation other than the fact that those gentlemen are splendid lawyers, love the law, and have unqualified confidence in the courts. Many of those distinguished gentlemen have worn the robes of judicial office themselves, and they know in their heart of hearts that no power is safer than when placed in the hands of the judiciary of the country.

I have thought of the propriety of discussing the law in this matter, and after reflection, I think it would serve a useful purpose, inasmuch as this law will be attacked as no other law has been attacked. Something will be said about the constitutionality of the law and I realize that. I hope to meet them at the threshold and foreclose every specious argument that they can advance as to the law. The substitute, undoubtedly, does that. This law certainly does not violate the constitutional provision protecting the privacy of the home. I know such a contention will be made. When a person is in that person's home, shut out from the world, that person is provided protection under our Constitution, and it is properly so. That constitutional protection was to correct an abuse against the privacy of a person's home, where that person's presence was confined to four walls of such home. It was never meant to protect the traitors sitting in their homes and actually through the telephone, or radio, or television, taking his constructive presence outside of his home, even across State lines, and across mountains and oceans, as effectively for practical purposes as if he were present in the flesh. When a man brings his presence, actively or constructively, out of his home, he has lost that constitutional protection. For instance, in the State of Georgia, a man sat in his own home and used his own telephone, and was indicted for using obscene, vulgar, and profane language in the presence of a female. The man called the residence of this lady many miles away, and when she answered, he, without provocation, used that language. He defended on the grounds that to be guilty under that statute, it must be proved that the language was used in the actual presence of the female. Our appellate court held, the language was in her presence as she heard it, and he used the telephone to transmit his presence to her, and the requirements of the statute met.

Many States have regulatory statutes on this subject, these statutes owing their vitality to the fact that wiretapping is not offensive to the Constitution. Further, it is high time that we decree that no traitor shall use our Constitution to destroy our Constitution. The framers of our Constitution would weep over our tenderness toward traitors and our criticisms of those who are trying to protect America against the greatest danger we ever faced. We must recognize the Communists in our midst are saying they oppose communism, and that something should be done about it, but they cannot be satisfied by any method of detection conceived by man. Our Constitution was to protect, not to destroy. It will protect. It was made in an emergency to protect against hysteria, stemming from emergency, and to protect against the prattlings of the do-gooders and traitors also.

This substitute is the answer, my friends. It follows the law, it removes political influence, and if I were Attorney General, I would want that court order in the future, knowing that it would be a protection to me, in that it would restrain me against overzealousness and would answer my critics that I had played politics, and as a prosecuting officer, I would know that it would render evidence more effective and would destroy the potency of counsel for the defendant in his arguments to the jury that the prosecution was politically inspired, and that my prosecution would be more effective in behalf of the Government that I had the honor and privilege of representing.

Mr. WILLIS. Mr. Chairman, will the gentleman yield at that point? It is a very important point.

Mr. FORRESTER. I yield.

Mr. WILLIS. The gentleman heard someone make a statement that we might have to go to a judge where the offense is committed.

Mr. FORRESTER. Yes; I heard that.

Mr. WILLIS. That, of course, is absolutely wrong. Under this bill, they can go to any judge, anywhere in the United States. We absolutely had that under consideration and we made it as free as a bird. For instance, if they cannot get a judge in New York to sign one, and I think they can, but if they cannot, let them come down to Georgia and I will get them one.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. GRAHAM. Mr. Chairman, I yield 12 minutes to the gentleman from Indiana [Mr. CRUMPACKER], a member of the committee.

Mr. CRUMPACKER. Mr. Chairman, at one stage in the consideration of this bill I regarded the proposal that has been suggested here by the gentleman from Louisiana [Mr. WILLIS] as a possible solution to the dilemma which the committee faced. But just a little reflection persuaded me that it was wholly unfeasible and unworkable. The gentleman's proposed amendment, as I understand it from listening to his dissertation, would set up two standards. It would treat different classes of citizens in different ways. That is something which the Congress cannot do. We cannot set up 2 classes of citizens and say we will treat this group in 1 way and this group over here in a different way. What his proposal would do would be to say that for all those who, prior to the enactment of this legislation, may have committed criminal acts of which the Department of Justice has evidence obtained by wiretapping, we will say to that group of people that this evidence is admissible in a criminal action against them if it was obtained upon the express written authority of the Attorney General. Now to another group of people who may commit criminal acts in the future and against whom the Justice Department may acquire evidence obtained by wiretapping, that evidence is admissible against them only if a prior court order was obtained, granting authority to tap the wires in question.

Now, that is setting up two classes of citizens, treating them in a different manner, and that is something which the Congress cannot do under the equal-protection clause of the Constitution. I am sure the legislation would be questioned before the courts. It undoubtedly would be taken to the Supreme Court. Faced with that question, I am sure the Supreme Court would have to hold that the whole thing was unconstitutional.

The separability clause which I understand the gentleman will include in his proposed substitute would not save any part of the bill, because the Supreme Court would have to say that the two sections are inconsistent with each other, and it would have to say that they both fall.

It might be possible for the Supreme Court to make a distinction between the two on the question of whether or not the fourth amendment of the Constitution is violated and hold that one section is in violation of the fourth amendment and the other is not; but on this question of the inconsistency of the two provisions, neither one could stand if they are inconsistent, and if there is any violation of the Constitution they would both have to fall.

What we might do if we should adopt the substitute proposed by the gentleman from Louisiana would be to enact a law which would be a total nullity. If this substitute is adopted the effect might be to deny the Attorney General any right to use any wiretap evidence in any criminal procedure. Make no mistake about it, Mr. Chairman, that might be what you are doing if you adopt the amendment to be offered by the gentleman from Louisiana.

The proposal to require a prior court order before any wiretap evidence can be used on its face has a great deal of appeal, but let us look at that for just a minute. Most of the argument which is made in favor of that approach has been based on the bare statement that wiretapping is a dirty business. This statement, of course, stems from the dissenting opinion of Mr. Justice Holmes in the Olmsted case in 1928.

Why is wiretapping a dirty business?

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. CRUMPACKER. I yield to the gentleman from New York.

Mr. WAINWRIGHT. I would first ask the gentleman why he feels that the first provision of the suggested substitute would be declared unconstitutional? Is it because of the differences presented or is it because he feels that the first section is unconstitutional?

Mr. CRUMPACKER. No, it is because the first paragraph and the second para-

graph are inconsistent with each other, not that either one of them standing by itself is unconstitutional but that both standing together are inconsistent, that they treat two classes of citizens in different ways and therefore cannot stand.

Mr. WAINWRIGHT. Does the gentleman know of any particular instance, or is he prepared to cite any case in which the Supreme Court has so decided in a similar situation?

Mr. CRUMPACKER. I cannot cite any case exactly in point, no; I do not know that the question has even arisen on this particular question of wiretapping; but there are instances. I cannot give the gentleman an exact citation at this moment, but there are many instances in which that question has been decided.

Mr. WAINWRIGHT. The question in my mind is whether we are not trying to determine the question for the Supreme Court.

Mr. CRUMPACKER. No, we cannot determine the question for the Supreme Court; but at the same time it is not proper for the Congress to enact legislation which it has reasonable ground to believe is unconstitutional.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. CRUMPACKER. I yield to the gentleman from Louisiana.

Mr. WILLIS. I was very much interested in the gentleman's argument. In the first place, this is not discrimination in any way, shape, or form, because of the necessity of the situation; we are not discriminating deliberately against any two classes of citizens. We are treating the matter in that way because that evidence is at hand.

If the gentleman were correct then he would be telling us that just because we are trying to punish those who have offended in the past that unless we follow the Attorney General route that we could not resolve our will even if we want to. We are forced to that position because of the necessity of the situation, and it is not discrimination.

On the question of two approaches, I call the gentleman's attention to the fact that my bill contains a separability clause.

Mr. CRUMPACKER. I dwelt on that particular point. I am fully aware of the necessities of the situation, but that does not remove the fact for one instant, that if the court order approach has any grounds for its existence at all it is that it is an additional protection given citizens. You are giving that protection to one group of citizens and denying it to another group of citizens, and I say those two positions are inconsistent.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. CRUMPACKER. I yield to the gentleman from Louisiana.

Mr. WILLIS. We cannot give the court order protection to those who have offended in the past.

Mr. CRUMPACKER. I know you cannot. That does not alter the fact you are proposing to give it to one group of citizens and denying it to another group.

Mr. WILLIS. Those similarly situated are equally treated. All those in the future who offend will be similarly treated; all of those who have offended in the past will be similarly treated. We are faced with the necessities of the situation. I have studied this problem quite a bit. Our counsel has advised with me on it. We studied that very point, of course, so I humbly disagree with the gentleman's views.

Mr. CONDON. Mr. Chairman, will the gentleman yield?

Mr. CRUMPACKER. I yield to the gentleman from California.

Mr. CONDON. I understand the gentleman is making the argument that there will be some constitutional barrier in saying that from now on certain types of evidence can be treated in one way, unless you allowed that to go to the past. Is it not a basic constitutional principle that retroactive legislation that affects the substantial rights of any American citizen is unconstitutional if you attempt to go back into the past? You can change the rules and say that from now on this sort of activity will be illegal, but you cannot change the rules and go back and say that something you did before the Congress acted is now thereby going to adversely affect your substantial constitutional rights.

Mr. CRUMPACKER. All of the action this bill would involve would take place in the future. It would permit the admission in evidence of wiretap material in future criminal actions. But the gentleman from Louisiana proposes to make a distinction between wiretaps past and future. As far as the admission of evidence is concerned, that all has to be in the future. There are court decisions to the effect that changes in the rules of evidence are not a substantial right of the defendant and, therefore, the ex post facto provisions of the Constitution do not apply.

Mr. Chairman, I should like to address myself for a moment to the court-order procedure. What do you gain? What protection do you give anyone by this requirement that you must go to a court and obtain an order in advance in an ex parte proceeding? That means a deputy district attorney or perhaps an FBI agent would go into the chambers of a Federal judge, present an affidavit setting up certain facts, and the judge would rule on that affidavit without hearing any evidence from the other side. Just how much protection is that? What are you doing that is of any substantial benefit? All you are doing is adding more parties to the chain of knowledge, you are adding one more possible leak for the information which you are trying to keep the criminals from learning.

It seems to me that while this on its surface has a great deal of emotional appeal, when you get down to the actual facts of the matter the Attorney General must have more information at hand, as a practical matter he will have more information in the case than any judge can possibly have based on an ex parte proceeding, and therefore will be in a better position to exercise wise judgment. So that while on its surface you seem to be granting greater protection, are you in fact granting any at all?

There has been considerable mention of the fact that in the State of New York where this procedure is followed it has granted no substantial protection, that there are far more wiretaps being made there under the court-order procedure than have ever been made by the Justice Department under the Attorney General's authority.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. FEIGHAN. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, any consideration of legislation authorizing wiretapping without a full understanding of the international criminal conspiracy, which prompted its introduction, would be useless theorizing. It is time we stopped theorizing on what to do about the threat of Communist subversion, and developed a practical program to expose and defeat it.

It is an established fact that the international Communist conspiracy has, as its objective, the enslavement of all mankind. Over the past quarter of a century, it has demonstrated an evil and cunning ability to accomplish that objective. In the past 9 years alone, it has destroyed the sovereignty of 16 nations, has ruthlessly divided 2 nations, and has added some 600 million once-free people to the slave empire of Muscovy. There is no nation in the world which has not felt the ever-probing tentacles of the Kremlin conspiracy. Here in the Western Hemisphere, we see evidence of covert Kremlin control of one of the once-free republics. In one other area of this hemisphere the agents of the Kremlin came close to establishing total power and were removed with little time to spare. In Puerto Rico this conspiracy disguises itself in the garb of nationalism, which itself is the mortal enemy of Russian communism.

The methods employed by this Communist conspiracy are devious, covert, varied, and indeed diabolical. The agents of this conspiracy are well trained, well financed, and for the most part dedicated to the evil cause they promote. They are trained to infiltrate every phase of life in a democracy, to infect the foundations of freedom, to sow the seeds of discord, hatred, and suspicion. They are expert in the arts of camouflage, disguise, and deception.

The agents of the Kremlin conspiracy receive special training in the technique of using the safeguards of freedom and free institutions to give them protective covering for their subversive activities. The most common example of this technique is that used by a person who, under oath, is asked direct questions about membership in the Communist Party and then invokes the protection of the fifth amendment to the Constitution. This technique of the Communist conspiracy is well known to every American who has followed the hearings of the committees of Congress. Moreover, we should understand that the Communist conspiracy perverts the safeguards set up to preserve freedom and individual liberty by using them to destroy individual liberty and the basic freedoms.

The "big fish" of the Communist conspiracy in the countries of the free world, and particularly the United States, are not necessarily members of the Communist Party. Their relationship to the Kremlin plan for world enslavement is hidden deep in the red cesspool of intrigue. Like Alger Hiss, they will be exposed only through unusual methods of detection and convicted only after arduous and expensive trials. But they must be identified, exposed, and convicted. It is time we went after the "big fish" and through them sever the probing and infecting tentacles of the Kremlin.

It is clear that we must take direct, positive, and determined steps to stamp out Communist subversion in the United States. It is equally clear that we must also preserve and protect those basic principles and guaranties which stand as the foundations for our free society. Nothing would please the Kremlin more, or better serve its evil purposes, than if we were to be coerced or frightened into the adoption of totalitarian methods to expose and defeat the Communist conspiracy.

Wiretapping as a legally accepted method can be a powerful weapon in the fight against this Red conspiracy. But it can also lead to abuses which could very well threaten the existence of the free institutions we seek to preserve. But I believe we can have wiretapping legalized without opening the door to fatal abuses. As an absolute minimum, these basic conditions must govern any legislation granting such authority.

First. In each case where wiretapping is considered by the Department of Justice as necessary to protect the security of the United States, a Federal judge must issue a writ authorizing it. A Federal judge with a life tenure and not subject to political pressures will be more likely to carefully weigh the facts presented and objectively determine in each case the need for authority to wiretap. Moreover any Federal judge who fails to serve this high standard and engages in capricious actions will be subject to impeachment by Congress.

Second. The authority to grant a court order for wiretapping should be limited by clear definition to individuals or cases in which there is substantial reason to believe they are involved, directly or indirectly, with the Communist conspiracy. Under no circumstances should wiretapping be authorized as a means of securing information or evidence on individuals or cases which do not have substantial relationship to the Communist conspiracy.

Third. Legislation authorizing wiretapping to expose the Communist conspiracy must have a terminal date on it. A proper terminal date for such legislation should be that which corresponds with the final and inevitable defeat of the Communist world conspiracy.

The legislation now before us grants final authority to the Attorney General to determine when, where, and how wiretapping shall be used as a method to expose the Communist conspiracy. This is a dangerous precedent because it places in the hands of one man, a political appointee, a powerful weapon which is not subject to the checks and balances of the three branches of Government which the Founding Fathers determined to be essential if our democracy was to be preserved and to flourish. This should not be considered as a reflection on the character of the Attorney General, but any Attorney General is human, and therefore subject to pressures and likely to make errors in judgment. Moreover, it would be extremely difficult for any political appointee always to be certain in his own mind that he is making proper use of the extraordinary power to authorize wiretapping. In making a decision as grave as this, which will certainly be the case every time authority is granted for wiretapping, the judgment of more than one public official must be involved in order to make certain that no degree of abuse is permitted to creep into the exercise of the authority inherent in this act. As I have said before, the only certain protection against such abuses is the requirement of a Federal court order granted by a Federal judge who is not subject to political pressures and who is liable to impeachment if he, in a moment of weakness, would permit the abuse of this authority. I have heard no arguments advanced against the requirement of a court order by a Federal judge which have any substantive merit. The legislation now before us should be amended to include the reasonable and practical safeguards I have here indicated.

Mr. GRAHAM. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. JONAS], a member of the committee.

Mr. JONAS of Illinois. Mr. Chairman, I had not planned to talk at this time in order to express my views and convictions concerning the bill now being debated. However, I have this query in my own mind. I am fully aware of the fact that this bill was not reported for consideration on the floor of the House with the unanimous approval of the six members of the subcommittee.

I am a member of the Chicago Bar Association and I am a member of the committee on Federal legislation. I am under the impression that this committee had notice of the first bill that was submitted, that is, the bill that made court approval necessary as a condition precedent to making evidence obtained through wiretapping admissible in a trial in the Federal courts. Subsequently, another bill was reported out by my distinguished friend, the gentleman from New York [Mr. KEATING], chairman of the subcommittee, which indicated a complete abdication and abandonment of the approach to supervising and authorizing the right to tap wires.

I have never been informed by any member of the committee whether there has been a full or complete hearing on the second bill that is before us now and so different from what was involved in the first issue. Were the leading bar associations throughout the country notified? Were members of the judiciary in charge of studying the practices that now prevail in the courts notified? I have never been informed as to what, if any, testimony was obtained or heard with reference to this second or substitute bill, as we call it now, that is before the House.

Let me say this briefly. I am not opposing and shall vote for legislation that has to do with wiretapping if such legislation is kept within the bounds of personal security. I did not give the art of wiretapping the name of "dirty business." That name was tied to this method of obtaining testimony by a wiser mind than I ever hope to be; it was none other than the distinguished and respected Justice Oliver Wendell Holmes. You can never get away from the fact that wiretapping is dirty business, but if you hope to catch people engaged in dirty business that can or does endanger our national security, we may have to deviate from the orderly and calm procedure and approach that law-enforcing agencies have employed heretofore.

Whatever we propose to do about this overall picture, I am for a bill that would invest the Federal courts and law enforcement agencies with the same power and authority now delegated to the State courts. But I want to emphasize that I am definitely opposed to transferring to any law-enforcement officer in this country, who is merely an arm of the judiciary, authority that is inherently vested in the judiciary and can best be safeguarded by and through action and orders of the courts.

Stop and think about this a minute. Let us discount and disregard all this talk about labeling legislation now before us antitraitor legislation. Why get exercised and wrought up about charges made here that are not borne out by the facts? We know we have a job to do in this country concerning people who are spying upon us and who are deserving of being called saboteurs. But aside from all that, I challenge anyone on the floor of this House to show me where in the last decade or any other time in this 20th century we have gone so far as to say to the attorney for the Government of the United States, the man who is charged with the duty to prosecute individuals charged with violating our Federal laws noted in the Criminal Code, "We herewith clothe you with the power and the authority of such magnitude as set forth and vested in the Attorney General of the United States as expressed in the bill now before us"—and remember, this is not confined alone to the Department of Justice—the same Attorney General is clothed with the power to give these other departments the authority to tap wires, and based in some instances on the information so obtained, he is obligated to prosecute a case in which the evidence so procured may be necessary to convict.

Mr. FRAZIER. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. LANE].

Mr. LANE. Mr. Chairman, I rise at this time to support the Willis substitute amendment.

"Getting the goods" on Communist agents and fellow travelers in the United States is one thing.

Being able to introduce in court the clinching evidence that can only be se-

cured by listening in and recording Communist communications, is another.

Doing this in a way that will not give absolute and tempting power to any agency or individual in the Federal Government, a power that, apart from searching out and convicting known Reds, might be used for political blackmail or worse, is the heart of the problem.

We all agree that the Department of Justice, the FBI, and other agencies that are responsible for the security of this Nation against spies, traitors, saboteurs, and those who conspire to overthrow our Government by force and violence, are handicapped by the present restrictions on what may be introduced as evidence in court trials of Communists.

The FBI has evidence aplenty to convict a number of Reds and their accessories, before and after the fact, who are still free to carry on their espionage and sedition.

The trouble is that under present laws evidence obtained by wiretapping is not admissible to convict them.

We want to plug up that loophole in the law, and fast, to close the leaks in our national security.

At the same time, and in the process of gathering up and convicting known spies and traitors, we must be careful not to give arbitrary power to those who might abuse it.

And in so doing trespass on the rights, privileges, and privacy of law-abiding citizens.

This substitute Willis bill is limited to those actions that imperil our national security.

But it would best control over wiretapping in our Federal court, to eliminate prying into personal conversations or communications not affecting national security.

Without reflecting on any individual or group, I think we may say that the public has greater confidence in the courts, to see that justice is done in the control of this power, because the courts have established a record for integrity that would insist upon reasonable cause before issuing an order authorizing a wiretap.

There would be no danger that indiscriminate wiretapping would be introduced merely to blacken reputations, or used as a lever to accomplish ends irrelevant to the issue of convicting spies and traitors.

I agree with the report of the Committee on the Judiciary, when it says, and I quote:

> The existence of wiretapping is denied by no one, and that it creates a very serious problem is self-evident. No one denies that the practice of wiretapping invades an individual's privacy, but at the same time no one denies the right of society itself to be protected against criminals. The true solution to this problem appears to be a middle ground whereby the Government, through the law-enforcement agencies, may properly operate to apprehend and convict those who violate its laws under a procedure which will protect the rights and privileges of its law-abiding citizens.

There are many of us, however, who disagree with the report when it states that, and I quote:

> Your committee believed that the best interests of all will be served by placing the control of wiretapping in the hands of the Attorney General of the United States.

We can and we should help our security agencies by making it possible to present evidence, now in their possession, which would corral Communist agents still on the loose.

With this patriotic objective in mind, we should not make the mistake of investing them with arbitrary power that would be a danger to themselves and to us. Political ambition, unfettered by law, or moderating procedures, is tempted to become authoritarian.

In hunting down the Communists, we should guard against becoming like them in our methods.

The feeling is unanimous that our security agencies must be able to introduce wiretap evidence in criminal proceedings of Federal courts, restricted to investigations relating to the national security or defense.

But under the control of Federal judges.

The argument that the speed and secrecy necessary at times to intercept vital evidence would be nullified by this safeguard does not have a substantial basis.

Judges seldom betray confidence.

And a schedule of informal availability could be worked out to cover emergencies.

At the same time, the civil liberties of law-abiding citizens would be protected from abuse.

The adoption of the proposed Willis amendment to the bill to authorize acquisition and interception of communications in the interest of national security and defense will not violate the rights of Americans.

It will serve the Nation best.

Mr. GRAHAM. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland [Mr. HYDE], a member of the committee.

Mr. HYDE. Mr. Chairman, I approach this subject and have for some time with a great deal of misgiving. I do not think it can be overemphasized today in this debate, that we are not dealing with the question of wiretapping as such, but merely with the question of the use of evidence received as a result of wiretapping. We should keep that in front of our eyes. That is the ball we should keep our eye on here today. However, I would like to say in passing that I would support a bill which would make wiretapping illegal except by properly constituted authorities under limited circumstances. Even so, I think the Supreme Court of the United States was being realistic and was well advised when it held in the Olmstead case, which has been referred to here today, that wiretapping was not an unreasonable search and seizure.

Now let us be practicable about this thing. When a person gets on the telephone he steps outside of his home. I think anyone, at the expense of pure facetiousness, who is familiar with Little Town, U. S. A., and Cousin Mary calls Cousin Susie to talk about Uncle Joe, certainly knows that is true. When you get on the telephone you are no longer inside your home. You are on the inside talking to someone else outside of your home. So it is not the same circumstances as someone invading your home without the proper procedure of a search warrant.

I will confess when I heard of the amendment to be offered by my good friend from Louisiana [Mr. WILLIS], whereby he is going to propose that we have two provisions, a double-barreled proposition, one of which will enable us to get offenders on whom they already have evidence, and one of which will govern the use of such evidence in future cases, that I was somewhat swayed. I am not altogether sure that I have completely made up my mind about it. However, I have this fear, and it is the fear expressed by the gentleman from Indiana [Mr. CRUMPACKER], I think either provision will stand by itself. But I do fear that if you have a double-barreled proposition it might not stand up.

I recognize also that the gentleman has a separability clause in his amendment, but I am still afraid that you will wind up without any bill if we go along with the gentleman's amendment.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I am glad to yield to the gentleman.

Mr. WILLIS. We are here dealing with a question of a rule of evidence. The gentleman from Indiana [Mr. CRUMPACKER] said that we were treating two classes of citizens differently. That is so any time you adopt a criminal law. You speak for the future and you are going to treat people in the future different from those you have treated in the past for the same offense.

Mr. HYDE. But the gentleman is also speaking for people in the past in the same bill.

Mr. WILLIS. Right. But the constitutional question the gentleman talks about would only be reached if the Congress were deliberately arbitrary and capricious. We are not discriminating. We are accepting the facts that we have in hand and are dealing with them accordingly. We could not use a court order in the past.

Mr. HYDE. What the gentleman is talking about is a matter of opinion. I have expressed my opinion on it and I have fear about it. The gentltman has his opinion and his convictions about it.

Now, it is not a matter of trusting one Government agency more than another. In either event, whether you have the Attorney General approach or the court approach, the Attorney General in either event in his office will have the full information. So what I am apprehensive of is passing a law which will not enable us to use evidence which the Attorney General has in order to secure a conviction.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield.

Mr. McCORMACK. The gentleman has well said that from a legalistic angle, wiretapping is not an invasion of the home, but what is the gentleman's view from an actual angle, sitting in his home, when there is wiretapping?

Mr. HYDE. I have already said, although the gentleman perhaps did not hear me, I think from a legalistic angle it was not an invasion of the home.

Nevertheless, I would be in favor of a bill which would make it illegal except for properly constituted authorities under limited circumstances. That is the way I feel on that.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. CELLER. Mr. Chairman, I yield 6 minutes to the gentleman from New York [Mr. KLEIN].

Mr. KLEIN. Mr. Chairman, I believe—and I have listened to all the debate—I believe I am the first speaker, although I am certain I have some support among the Members—who are opposed to this bill, with or without the sugarcoating that it provides for an order of the court.

I agree with Mr. Justice Holmes who has called wiretapping dirty business, and I am somewhat amused at the apparent squeamishness of the leadership of the other side who call this an antitraitor bill rather than a wiretapping bill. You will recall how our colleague from Indiana the majority leader here on the floor the other day when he was asked about the program mentioned that on a certain day he was going to call up the antitraitor bill. He was asked by the minority leader whether he meant the wiretapping bill and he said "No, I mean the antitraitor bill."

I have great regard and affection for my good friend from New York [Mr. KEATING], and I am very happy that he made the statement that he did at the outset of his remarks.

He stated that he would not call those who opposed this legislation as traitors. That is very magnanimous of him. I believe I oppose traitors and all forms of subversion as much as he does. With the aura of fear prevalent in this country today, due in part to the activities of some of our investigating committees, it is difficult to speak out on many subjects. But that will not deter me.

I think we are all unanimous in this House as being opposed to traitors. Perhaps you should call this bill an antisin bill, because everybody in the House is opposed to sin, and you might not meet any opposition. I think we should recognize that in opening the door to wiretapping and the legal use of such tapped wires, we are embarking upon a very dangerous precedent, which once established will be extended and extended, and will some day come back to haunt us.

My objection is fundamental. I object to the tapping of wires. I think it is an invasion of the privacy of the home and of the person, and I think that the Founding Fathers, the makers of our Constitution, would be opposed to it had they had telephones in those days.

My objection is that this is getting the foot in the door, it is the elephant getting his trunk under the tent. If you permit it in this instance against espionage it will not be long before you will want to extend it to kidnaping and then you will have another extension to extortion and all these other heinous offenses to which everyone is opposed.

I would be willing, Mr. Chairman, to support it if this bill were written in such fashion as to say that it be limited to cases of espionage or subversion, but that all other wiretapping should be illegal.

Wiretapping is made illegal by the Federal Communications Act, but we all know that it is practiced by the FBI and other agencies; although they cannot under the decision in the Nardone case use the evidence thus obtained.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. KLEIN. I yield.

Mr. CELLER. The committee did consider that proposition of outlawing all wire-tapping except in prescribed cases such as national defense and national security.

Mr. KLEIN. What happened to it?

Mr. CELLER. We felt that there would be a point of order made to such a proposal because it falls four-square within the jurisdiction of the Committee on Interstate and Foreign Commerce of which the gentleman is a member. Would the gentleman's committee be willing to consider a bill of that character?

Mr. KLEIN. I am not able to speak for the chairman or for the committee, but as for myself I would be very happy to consider such a bill; as a matter of fact I will introduce such a bill if it is necessary.

If the chairman will permit me I would like to quote just one sentence from a decision of the Supreme Court, the Olmstead case, which has been referred to here many times during the course of this debate. In the dissenting opinion Mr. Justice Brandeis said:

> They—
>
> Meaning the makers of the Constitution—
>
> conferred, as against the Government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized men.

Opening and reading the mail, issuing and checking identity papers at regular intervals, universal fingerprinting, registration of all residents, a search of everyone's house now and then—just a quick look-see to discover what evidence affecting national security might turn up—all these, like wiretapping, might now and then afford the police some information they might not otherwise obtain. It is doubtful whether such random, haphazard searches of the population at large are very efficient police methods, but efficient or not, the undesirability of most of them was decided a long time ago by the adoption of the Bill of Rights.

Let me quote now from a very conservative daily, the Wall Street Journal. I may say that I was very happy to hear the gentleman from Texas [Mr. THOMAS], in his argument on the rule make the same point which I believe I am making when he said that he was opposed to any wiretapping at all or using such information as evidence.

Here is what the Wall Street Journal said in an editorial on November 19, 1953:

> It could create an atmosphere in which people would be afraid to talk on the telephone about anything * * * it may be argued that only spies need fear it. But it is not quite so simple as that. Telephone conversations can be misconstrued, innocent remarks interpreted as evil. Who would feel wholly secure knowing that any conversation could be recorded to use against him? Certainly every effort must be made to prosecute as well as discover. But we are confident the effort can successfully be made without infringing the Bill of Rights.

That is my position. I know times being what they are, with this fear that is prevalent throughout the country, people are afraid to speak their minds. This invasion of our privacy, this infringement on our civil rights is something that we cannot be silent about. I warn you that you will find as time goes on that what I say is true, if we pass this bill, before long we will have amendments offered to widen this exemption and permit the use of this type of testimony in all cases.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GRAHAM. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. O'HARA].

Mr. O'HARA of Minnesota. Mr. Chairman, in my service here in the House this is the second time I have supported a wiretapping bill. In June of 1941 there was presented to the House by the administration a request for almost the identical authority that is asked for in this bill, to be vested in the Attorney General, in the FBI and in the allied military services.

I recali one of the most brilliant speeches made upon that bill was made by our distinguished friend from Pennsylvania [Mr. GRAHAM]. It was on H. R. 4228, and if my colleagues care to look at the RECORD of that time they will find it in the CONGRESSIONAL RECORD, volume 87, part 5, page 5768 and subsequent pages.

Let me say that at that time, as near as I can recall, without exception the Republican members of the Judiciary Committee supported wholeheartedly legislation granting to the then Attorney General of the United States, now Mr. Justice Jackson of the Supreme Court, substantially the authority that is asked for in this bill.

That bill, H. R. 4228, extended beyond what is asked for in this bill because it extended the authority not only to espionage but also to kidnapping and extortion.

Let me say I am glad that the great Committee on the Judiciary brought in the kind of a bill that it did. I think it should be limited, as it has been limited, to the national security. Let me say to you further that I personally know of two people who are at liberty, who committed treason, in my opinion and I think in the opinion of any court, because the only evidence that they have of their crimes was obtained by wiretapping which, if it had been admissible, would have been absolute proof of their guilt.

Mr. Chairman, I should like to read a list of some of our distinguished friends on the Democratic side who voted in support of that legislation. Let me say, in candor, that I offered an amendment to that bill which limited its effect at that time to two years, and that amendment was adopted. In the light of what we have learned in the last 13 years, of

the constant attack on our form of Government by the Communists, by those who would destroy it, we need permanent legislation of this type today. All we have to do is to think of what has transpired in the last 13 years, of conditions which were brought about not by those who were actually at war with us but those who are, in fact, our mortal enemies and are for the destruction of everything which we believe in in this country. I say to you that that power should be given to the Attorney General; I think in a purely practical sense that power should be lodged in the Attorney General instead of it being spread to the multiple jurisdictions in the courts of this country. Let me say that I am proud that I voted for that bill. I had distinguished support from my good friend, the gentleman from Tennessee, [Mr. PRIEST] and the majority leader at that time, the gentleman from Massachusetts, [Mr. MCCORMACK] and from many others of my good friends who may now feel that they should not support this legislation, as has been reported to the Committee.

Mr. VURSELL. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. VURSELL. Mr. Chairman, I rise in support of H. R. 8649 before us for consideration today, which is better known as the antitraitor bill. I think the bill is well named because the provisions of this proposed legislation will affect only traitors, spies, and the Communists within our gates, who, working under the direction of Moscow and the Kremlin, have been, and are now engaged in, espionage and conspiracies to undermine and destroy our liberties by overthrowing our Government.

The purpose of this bill is to unshackle the United States Attorney General, who has the responsibility of protecting the safety of our Government and to give him the power to authorize the FBI and the intelligence agents of the military to secure evidence against such traitors, spies, and conspirators by tapping in on their telephone conversations.

Mr. Chairman, when either of these agencies are authorized by the Attorney General to secure such telephone evidence this bill makes the use of that evidence permissible in a criminal trial subject to the rules of the court, when such persons are being tried for treason, seditious conspiracy, sabotage, espionage, violation of the Smith Act and the Atomic Energy Act.

Heretofore, such evidence could not be used against those charged with these crimes because of an adverse ruling by the Supreme Court. If this legislation is passed it will unshackle the chief law officer of the United States, unshackle the FBI and the military intelligence agents.

Such evidence will be made admissible against such criminals, will make it possible to detect more of them and bring into the Courts evidence against them which will convict and send to jail Communists, spies, and traitors who, working under the direction of Moscow and the Kremlin, are trying to destroy our country.

Even though the number of such dangerous Communists may be less than twenty-five or fifty thousand in our Nation, yet they are so dedicated to the destruction of our country that these fanatics can do, and have done, tremendous damage to our country in the past and will continue their sabotage of our Nation in the future.

Mr. Chairman, this legislation will make it more difficult for them to operate, and it will make it easier for the FBI and the military intelligence agents to seek them out and secure the evidence on them necessary to bring about their conviction and confinement in the jails and stop their destructive efforts.

When one takes into consideration how lax our Nation of freedom and liberty has been during the past number of years which made it possible for such spies as Judith Coplon, the Rosenbergs, Gold, and Fuchs all of whom were spying against our country and sending information over to Russia, making it possible for Russia to develop the atomic bomb, we can realize the terrible damage that was done to our country. Scores of other Communists, many who have been convicted, under the Smith Act, and many who escaped conviction because we did not have a law like this, have also done great damage to our country and many are still engaged in their treasonable efforts.

Mr. Chairman, the people of this Nation are tired of letting the Communists, spies, and saboteurs carry on their work against this Government and want something done about it. They are tired of witnessing the ease with which the Communists have carried on their work against our Government. They are tired of seeing the Communists coddled in any way or form. The people want the real Communists hunted down, prosecuted, sent to prison for long terms or if aliens, deported to the countries from which they came.

No one can estimate the value of the legislation that is before us today if it could only have been passed and been in operation since the beginning of World War I.

It might have saved a great many lives of American soldiers as well as billions upon billions of dollars.

Mr. Chairman, I want to see this legislation passed just as it is written, and without any amendments. It has been too long delayed. Let us do it today.

Mr. CELLER. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. RODINO].

Mr. RODINO. Mr. Chairman and members of the Committee, I, like all Members of this House, feel very keenly and very seriously about this question of wiretapping. I know, too, that at this time we are met with a serious proposition, that is, whether or not we are going to be able to deal with the saboteurs and the spies and the traitors and those people who would destroy our way of living, effectively. We have heard much talk and we have read much in the public press that many of these individuals may be at large who are attempting to destroy our way of life.

Now, we have heard here, and rightly so, that an eminent jurist once said in handing down an opinion of the Supreme Court, that wiretapping is "dirty business." And, as a previous speaker aptly stated, it becomes necessary at times to deal with dirty business in a manner that we, who are used to a democracy, can sometimes not understand, and possibly we are living in one of those times when we must yield some of our rights for the Nation and its security. But, we also believe in the right of privacy and in the right of an individual to be secure in his own home.

The law of the land—the fourth amendment of our Constitution—provides for the right of people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizure—that this right shall not be violated—and no warrants shall issue but upon probable cause—supported by oath or affirmation, upon authority properly obtained.

It may be argued that this right of privacy is not absolute when our national security and the life of our Nation is involved. And therefore under proper authority and reasonable cause having been shown, a man's home may be searched and his papers seized.

True. Then why shouldn't we—if our national security is involved—permit wiretapping—many have asked—using, however, the safeguards spelled out in the fourth amendment. We can. But we must be careful—careful that we fully preserve the civil rights of every citizen and do not destroy our priceless heritage of civil liberties.

I think, Mr. Chairman, this is one of the times when the right of privacy may be limited and wiretapping be allowed but only in certain cases so that we may deal with the saboteurs and with the spies and the traitors of our country. But if we do yield this right of privacy in the interest of national security, let us make certain that we impose proper safeguards that we do not have an abuse of this power. Nor can we vest this authority without safeguard in any one individual to go to someone's home and invade his right of privacy, even for our national security. Mr. Justice Murphy once stated, "We must have it understood that while we will oppose firmly and vigorously any illegal activities we will do so in a responsible manner and within the orbit of the Constitution. That is the American way."

Mr. Chairman, I am going to support the Willis substitute which, in my opinion, adequately protects the rights of individuals by providing that wiretapping may be allowed only in those cases where our national security is involved and only upon the issuance of an order to do so from a Federal court judge.

Mr. GRAHAM. Mr. Chairman, I yield such time as he may desire to the gentleman from New Jersey [Mr. WOLVERTON].

Mr. WOLVERTON. Mr. Chairman, I rise in support of the objectives sought by the legislation now under consideration. The purpose of the bill is to make

admissible in evidence information obtained by the tapping of wires in the trial of cases where the defendant is charged with treason, sabotage, sedition, or similar crime involving the security of our Nation.

While wiretapping in general is condemned as an intrusion of the privacy of an individual, yet there is no justifiable objection to the utilization of wiretapping as a means of obtaining evidence when the sole purpose is to obtain the evidence against individuals engaged in a criminal conspiracy against the security of our Nation. Nor should there be any objection for such a purpose. It is inconceivable that a person executing a criminal design that involves the security of our Nation and its people should be permitted to utilize means of communication to effect his or her criminal purpose.

The only question that arises and calls for careful consideration is as to the limitations to be imposed to insure that the right to tap wires should not be used by any official for purposes other than the due performance of his sworn duty. Thus, it should be limited as to who shall have the power and the conditions under which it may be exercised. To make certain that the power is not unduly exercised, or used for other than proper purposes, there have been two methods proposed: First, that it shall not be exercised except upon the consent of the Attorney General of the United States; or, second, only by consent first obtained from an appropriate Federal court. This latter suggestion is made without in any way impugning the honesty, integrity, and high purpose of the present Attorney General. Yet there may be times when one would not be willing to entrust this great power to an individual even though he occupy that high office. Therefore, it would seem that it is not unreasonable nor without justification to require that the power to tap wires should be exercised only with the consent and after the approval of a Federal court.

It is, of course, to be understood that this legislation applies only to prosecutions in Federal courts. There are a great many of our States that already have the same provision in their statutory law relating to State trials.

There is need at the present time that legislation of this character shall be passed to give the protection and security our people should have. Our Nation needs today more than ever every weapon that is possible to destroy and make ineffectual the efforts being made by spies and traitors to our country. The immunity that is now given to them must be stopped. The Department of Justice is entitled to this legislation as a means of carrying out effectually its obligation to protect and make secure our Nation and its people.

I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GRAHAM. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. McCULLOCH].

Mr. McCULLOCH. Mr. Chairman, it is seldom that I rise to speak on the floor and take the time of the House. I do it in this instance because I have such a strong feeling concerning the matter before us.

I have studied the Supreme Court decisions. I have read the magazine articles. I have listened to the debate here on the floor and in committee. I know that wire tapping has been described as dirty business and the evidence therefrom as fruit from the poisonous tree. But there are things that are worse than dirty business, and there are things that are worse than fruit from the poisonous tree. Some of these things are treason, sabotage, espionage, and the like.

If you do not believe me, ask the mother or the father of the boy who is in an unmarked grave on the cold and barren hillsides in faraway Korea. I am willing to risk permitting the introduction in evidence of information secured under the provisions of this bill. One will always have the protection of a grand jury and a petit jury of his peers. In my opinion, no innocent, patriotic American will suffer under this bill, if it becomes law.

I am for the bill as it came from the committee, primarily for one reason. I am reliably advised that J. Edgar Hoover, who has served four Presidents and who has served well over a half-dozen Attorneys General, has specifically asked for this authority to be vested in the Attorney General of the United States. It is within the power of this Congress to give the authority to the Attorney General, and it is within our power to take it away. I cannot help but recall to you what my able colleague the gentleman from Minnesota [Mr. O'HARA] has just said. He read only a few of the names of the able gentlemen on the other side of the aisle who, before I came to this Congress, in times not half so dangerous as these, were ready, willing, and anxious to, and voted to, give that power to the Attorney General. Why not give it to him now?

Mr. CELLER. Mr. Chairman, I yield 6 minutes to the gentleman from Connecticut [Mr. DODD].

Mr. DODD. Mr. Chairman, I have been hesitant about participating in this debate because I am not a member of the Judiciary Committee, and because in the very little time made available for discussion under the rule, I want to hear from the more experienced legislators and the learned constitutional lawyers who sit among us on both sides of the aisle.

Two motives lie behind my decision to speak up notwithstanding these restraints of time and lack of seniority.

First, I want to object again to the device of the legislative label. To call this proposal the antitraitor bill is to call by inference those who oppose this bill protraitor. This is an attempt to legislate by intimidation and it suggests that the advocates of this proposal are worried about their own case.

If the decision that we make here today on this grave question, is to hinge on the application of an epithet, then America is really in great peril. Then already the coin of our freedom has been debased. The influence of counterfeit democracy is upon us. We have fallen at home—and in our legislative hall—a prey to the evil we seek to resist.

No matter what else we do here today, let us make clear that no one can panic us into legislative compliance or frighten us out of our constitutional responsibilities. Let us hear no more of these police state polemics. This is the tyranny of labels at its positive worst.

My second motive for entering this dispute springs from my personal background and experience.

For many years I was engaged in law-enforcement work. I know something about it.

As an FBI agent and as a prosecutor, I investigated and prosecuted a large number of criminal cases, running the gamut of domestic offenses and including kidnapings, extortions, sabotage, and espionage. My entire training and experience make me sympathetic to the prosecutor and his problems. I have lived with them myself.

But the same experience which makes me sympathetic toward the prosecutor, makes me fear unbridled police power.

I know the exasperations, the heartbreaks, and the frequent frustrations of law-enforcement work, and I know the temptations that police problems present. The very nature of police power makes it a thing to be feared and those who have lived closest to it and who have worked most intimately with it are usually most concerned about it. Even in the very best of hands and under the greatest of safeguards, the exercise of police power should be constantly restrained.

The good prosecutor does not want naked police power because he knows the potential for evil that it contains.

The good prosecutor wants this awful power under a higher control and not under his own. And our society recognizes the weakness of men and the magnitude of this power and has developed such controls for its own protection.

That is why we have prosecutors, grand juries, judges, trial juries, appellate courts and supreme courts in addition to our police. These are all curbs on naked police power. The argument for the giving of this raw power to the Attorney General on the ground that he can be trusted with it flies in the face of the accumulated experience of law enforcement people. I have no doubt that the intentions of the Attorneys General are good.

Experienced prosecutors have to be concerned about the overzealousness of law-enforcement officers. Seasoned prosecutors know that they must constantly watch and exercise control over well-intentioned police authorities. Yet, in the face of all this experience, and contrary to the advice of men who have devoted their lives to law-enforcement work, we are asked to hand over without any controls or safeguards one of the worst features of police power, the ability to intercept and interfere with private wire communications.

The grave constitutional questions which arise in one's mind with respect to the use of this power are known to the members of this House.

The decisions of our courts and the debates on this floor point up the fact that we have in our hands, in this proposal which is before us today, the explosive trigger which can set off by chain reaction the destruction of our American democracy and leave us in the ruins of a police-state dictatorship.

If we make this grant of police power to any Attorney General of the United States without any kind of supervision or control, we have placed in the hands of one man a power to destroy our privacy and our liberty, which may be greater than the weapons of our enemies. If it is considered sensible and necessary to place atomic weapons under controls it is even more sensible and necessary within our own borders to keep controls on the power that can destroy our democracy.

It must be perfectly clear to all of us that something has happened in the United States and in the world when we are trying to find a way to use the weapons of the dictator within the limitations of a democracy.

Conscious of our awful responsibility if we are to make this grant of power in order to fight our enemies we must acknowledge that it is required of us that we do all that we can to prevent the infliction upon us of this abuse of power.

It is on this premise that contrary to my deepest feelings and with a heavy sense of responsibility, I am willing to vote to make this grant of power to the Attorney General but only under the reasonable restrictions of a higher authority.

Within our political framework, where can we find higher authority? Obviously it should not rest in the executive department where this power is sought, and through which it will be exercised.

Obviously, the legislative branch, by the nature of its makeup, is not able to effectively control and supervise such power.

There remains only one place in our political system and happily it is the best place, the judicial branch. The very nature of the judiciary lends itself to the best type of control over police power. Our judges are appointed for life. They are aloof from the pressures of politics and expediency. By training and disposition, they are by and large and with few exceptions men of moderate temperament, and of inquiring and dispassionate mind. In the calm atmosphere of the judicial branch, we can best repose control over this dangerous power. Nothing is perfect in this world, but surely it must be apparent that supervision by the judiciary over the power to intercept communications is the best safeguard we can devise. The objection that such control would cause too much delay is a superficial and dilatory argument. For many years we have permitted searches and seizures only under judicial supervision to guard against overzealous law enforcement.

It is good that basic civil rights require that police power operates within decent limitations. There is nothing so urgent about the present situation as to require us to give up our ancient procedure safeguarding due process of law.

In 1941, Congress was asked to pass a wiretapping bill. Pearl Harbor was only a few months away and the argument made on the floor of the House then was that the Attorney General urgently needed this power if we were to successfully overcome the Nazis and Fascists. The Congress turned down this request and we won our fight against the Nazis and Fascists. We caught a lot of spies and saboteurs. When I was in Nuremberg, the top Nazis told us that every Nazi spy and saboteur agent who was sent to the United States was apprehended by the FBI.

Having overcome the forces of nazism and fascism without the grant of this power we are now faced with the problem of the worldwide Communist conspiracy and we are told that it is necessary to grant this power in order to overcome the conspirators. We have successfully prosecuted a lot of Communists in this country. I am proud of the record that the United States Department of Justice has made and if the job has not been letter perfect, I suspect that the trouble lies not so much in the fact that we have inadequate tools with which to make the fight, but rather more because we have not had a true understanding of the nature of the menace and the will to do all that is necessary to overcome it.

I have grave doubt that wiretapping will help us very much to defeat the Communists, but I am willing to resolve that doubt in this hour and for the time being on the side of the Attorney General and those who are responsible for our national security and defense.

I repeat that I do this with a feeling of reluctance and with a heavy sense of responsibility and I therefore propose that in granting this police power we see to it that it is exercised under judicial control and that the grant is made for a limited period of time. At the proper time when amendments may be offered to this legislation I hope a number of changes will be made. When I spoke against the granting of the rule earlier today, I said that this bill in its present form was almost completely objectionable. I urged that we reject the rule and thus suggest to this committee that it rewrite this legislation. I pointed out then and call to your attention now the fact that on passage of this bill the disturbing abuses of which the American people complain with respect to wiretapping will continue.

This bill does not make private wiretapping illegal.

This bill does not make the divulgence of information obtained by private wiretapping illegal. If we can amend this legislation so as to really stop private snoopers from tapping our wires we will be performing a great service for the American people. This bill does not do it.

It does nothing to clarify the serious doubts that exist with respect to the intentions of the Federal Communications Act.

It does absolutely nothing about the problem of State and local wiretapping. The State of New York and some other jurisdictions have legalized wiretapping and the disclosure of information obtained through wiretapping. Every lawyer who has examined the New York State situation and the Federal Communications Act knows that the New York State law and other similar laws are illegal.

What public officials are doing in New York today in wiretapping is forbidden by the law of the United States and if an Attorney General does his job he would have to institute prosecutions against every official and individual who is engaged in that activity.

But, as I said in my discussion on the rule, do not be disturbed, for I can assure you that there will be no prosecutions in the future any more than there have been in the past, because the shocking truth is that the Federal Government itself has dirty hands.

Furthermore, this bill does nothing about those terrible domestic crimes known as kidnaping and extortion, where the use of wire communication may be essential to the carrying out of these crimes.

Besides all of these omissions and failures, no time limitation is placed on this grant of power which is requested. I believe that if we grant this authority in a restricted area and under judicial supervision, we should do so for a period of not more than 1 year. At the end of that year we should require that the Attorney General come before the Judiciary Committee of this House and tell us how many wiretaps were authorized, how much information was obtained and used for prosecution purposes in our Federal courts. No harm can be done from placing this restriction on this legislation, and great good can be the result of it. At the end of a year we may very well find that this power has been abused. We may find that it has not produced the results expected, and we may find it better to withdraw it. We should keep a checkrein, at least, for some years, and probably for all time, on the exercise of this power, and the proposal concerning a time limitation which I shall make to you in the form of an amendment will be no hardship or burden on the Attorney General.

Perhaps the most specious argument that is made by those who favor the granting of this uncontrolled power is that no innocent person needs to worry about wiretapping. This is probably the worst type of police-power propaganda. This is the lowest common denominator of our vaunted constitutional rights. Those who express it have no concept of the nature of a right. Besides being the lowest form of authoritarian propaganda, it is also the most subtle and deceitful.

What has happened in this Nation when responsible men make such an argument for this kind of legislation?

But what is worse and even more frightening is that it appears that our people have been so misled as to fall for this nonsense.

Have we become a nation of faceless people, without individual personalities, without privacy, and without individual dignity?

Are there no sacred things left?

Cannot a parent speak alone to his child?

Must the patient surrender that confidence born of privacy which he shares with his physician?

Have husbands and wives no words that are their own? Are we committed to live in the police-state goldfish bowl? God forbid that the nature of America has been thus altered.

Of all the people in the world we have been known as a community of individuals. This is the element above all others that has made us great. This explains our fierce affection for our individual political and private rights. And growing out of them is the individual responsibility which has contributed more than anything else to giving us the highest standard of living and the best form of Government that has ever been known on the face of the earth.

If we lose this initiative that springs from our protected individualities, America will no longer be the great leader that she is in the battle for freedom and for justice. For freedom and justice are individual rights.

The despicable argument that only the wicked need fear the wire-tapper must be discarded in the same receptacle with the dirty slogan "antitraitor bill." This is a time for calmness, for fairness, and there is no room for hysteria and prejudice.

I need not remind you that as we debate this question, the world is on fire.

That conflagration was started by power-mad men who think they know best how to run the world. The flames are licking at our borders. We are in peril. In order to use every method at our disposal, I am willing to authorize the lighting of some backfire but only under the greatest precautions and the most complete controls. Backfire technique has gotten out of hand before. It is no real or permanent technique to prevent the spread of fire. It is a method used only in the last extremes for limited purposes and under guarantees and precautions of absolute control. It is no real substitute for water. Let us this day resolve to put out the fires of tyranny with the waters of freedom and if we must use the instrument of backfire, let us do so with the greatest of caution. In so doing, we shall protect the heart and soul of our American democracy.

Mr. GRAHAM. Mr. Chairman, I yield the balance of the time remaining to the gentleman from New York [Mr. MILLER], a member of the subcommittee that drafted this bill.

Mr. DEVEREUX. Mr. Chairman, will the gentleman yield?

Mr. MILLER of New York. I yield.

Mr. DEVEREUX. As a layman, I would like to get a couple of things straight in my mind. As I understand it, evidence gathered from dictaphones or radio transmitters may be used in evidence; is that correct?

Mr. MILLER of New York. That is correct and the courts have so held.

Mr. DEVEREUX. However, the evidence gathered from a wiretapper would not be admissible in evidence?

Mr. MILLER of New York. It always was except for the express prohibitions set up in the Communications Act of 1934.

Mr. DEVEREUX. Can the gentleman tell the difference between those two positions?

Mr. MILLER of New York. There has never been a difference. We are trying to reconcile them and make them consistent by our action here this afternoon by passing the bill which has been reported out by the committee.

Mr. DEVEREUX. I thank the gentleman.

Mr. MILLER of New York. Mr. Chairman, I believe I am as seriously disturbed about indiscriminate wiretapping and telephone interception as my beloved and distinguished colleague, the gentleman from Connecticut. When this matter was under discussion in our committee, I stated that I would at the proper time, and perhaps when it was acted upon by the proper committee, support a bill which would correct the iniquitous situation which exists under Federal law today wherein it is perfectly permissible and legal for anyone to tap anyone else's wire. But that is not the issue before us this afternoon. In New York State, we have a law which makes it illegal to tap a wire without an ex parte court order. But we also have the provision which makes such interception and tap legal, if we secure an ex parte court order. As a former district attorney in Niagara County of New York State, I had much experience in working under that statute and in securing ex parte court orders.

I would agree with everything that has been said by my colleagues here today concerning the quotation of testimony of District Attorneys Hogan and McDonald of New York State, that they have had no trouble with this matter in New York State; that there have been no leakages, and that they have been successful and now have thousands and thousands of taps on telephones in New York State. But in those cases we are dealing almost all the time with individual criminals violating certain penal statutes of the State of New York: burglary, robbery, and so forth. But in this particular case, in cases of espionage, sabotage, and sedition, we have a situation not faced by the district attorneys of a State law-enforcement jurisdiction. We have here a situation wherein at any time it may be necessary to install any number of taps in any number of cities, and if you pass an amendment providing for a court order, what is the situation which faces an attorney general, anxious to secure evidence and convict a criminal? A certain judge may require that he name the owner of the residence, and it may be unknown, although it has been under surveillance for some time. A certain judge may require in one jurisdiction that the tap be made for only 60 days, and that he must reapply at the expiration of the 60 days. So that within the whole network of the proposition you might have effective interception in a certain section of the country and no interception in another section of the country. You cannot always prepare papers to get a court order. In addition to all these factors we must ask ourselves this question: We seem to be in almost unanimous agreement that we need some kind of legislation to detect those guilty of crimes against the internal security of our country. What can an attorney general do if we give him authority to proceed without a court order? First he must secure an indictment, and he can introduce evidence in the course of securing that indictment only relevant to the issues and only in a case involving the internal security of the United States. After the indictment is secured he must present his evidence in a court of law, and that evidence must be relevant only to a crime involving sedition, sabotage, or espionage. I would take the opinion of the Director of the FBI, Mr. Hoover, when he said that if they were going to properly enforce the law he would need this bill, but he would rather have no bill at all if the court order is required, because it would make it impossible to do the job in times of crisis now facing our country.

The CHAIRMAN. The time of the gentleman from New York [Mr. MILLER] has expired.

All time has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That information heretofore or hereafter obtained by the Director of the Federal Bureau of Investigation of the Department of Justice; the Assistant Chief of Staff, G–2 of the Army General Staff, Department of the Army; the Director of Intelligence, Department of the Air Force; and the Director of Naval Intelligence, Department of the Navy, through or as a result of the interception of any communication by wire or radio upon the express written approval of the Attorney General of the United States and in the course of any investigation to detect or prevent any interference with or endangering of, or any plans or attempts to interfere with or endanger, the national security or defense of the United States by treason, sabotage, espionage, sedition, seditious conspiracy, violations of chapter 115 of title 18 of the United States Code, violations of the Internal Security Act of 1950 (64 Stat. 987), violations of the Atomic Energy Act of 1946 (60 Stat. 755), as amended, and conspiracies involving any of the foregoing, shall, notwithstanding the provisions of section 605 of the Communications Act of 1934 (48 Stat. 1103), be deemed admissible, if not otherwise inadmissible, in evidence in any criminal proceedings in any court established by act of Congress, but only in criminal cases involving any of the foregoing violations.

Mr. WILLIS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Substitute amendment offered by Mr. WILLIS: Strike out all after the enacting clause and insert the following:

"That information obtained prior to the effective date of this act by the Director of the Federal Bureau of Investigation of the Department of Justice; the Assistant Chief of Staff, G–2 of the Army General Staff, Department of the Army; the Director of Intelligence, Department of the Air Force; and the Director of Naval Intelligence, Department of the Navy, through or as a result of the interception of any communication by wire or radio upon the express written approval of the Attorney General of the United States and in the course of any investigation to detect or prevent any interference with or endangering of, or any plans or attempts

to interfere with or endanger, the national security or defense of the United States by treason, sabotage, espionage, sedition, seditious conspiracy, violations of chapter 115 of title 18 of the United States Code, violations of the Internal Security Act of 1950 (64 Stat. 987), violations of the Atomic Energy Act of 1946 (60 Stat. 755), as amended, and conspiracies involving any of the foregoing, shall, notwithstanding the provisions of section 605 of the Communications Act of 1934 (48 Stat. 1103), be deemed admissible, if not otherwise inadmissible, in evidence in any criminal proceedings in any court established by act of Congress, but only in criminal cases involving any of the foregoing violations.

"SEC. 2. That information obtained after the effective date of this act by the Director of the Federal Bureau of Investigation of the Department of Justice; the Assistant Chief of Staff, G–2 of the Army General Staff, Department of the Army; the Director of Intelligence, Department of the Air Force; and the Director of Naval Intelligence, Department of the Navy, through or as a result of the interception of any communication by wire or radio upon the express written approval of the Attorney General of the United States and in the course of any investigation to detect or prevent any interference with or endangering of, or any plans or attempts to interfere with or endanger, the national security or defense of the United States by treason, sabotage, espionage, sedition, seditious conspiracy, violations of chapter 115 of title 18 of the United States Code, violations of the Internal Security Act of 1950 (64 Stat. 987), violations of the Atomic Energy Act of 1946 (60 Stat. 755), as amended, and conspiracies involving any of the foregoing, shall, notwithstanding the provisions of section 605 of the Communications Act of 1934 (48 Stat. 1103), be deemed admissible, if not otherwise inadmissible, in evidence in any criminal proceedings in any court established by act of Congress, but only in criminal cases involving any of the foregoing violations: *Provided*, That prior to intercepting the communications from which the information is obtained, an authorized agent of any one of said investigatorial agencies shall have been issued an ex parte order by a judge of any United States Court of Appeals or a United States district court, authorizing the agent to intercept such communications. Upon application by any authorized agent of any one of said investigatorial agencies to intercept communications in the conduct of investigations pursuant to this section, a judge of any United States Court of Appeals or a United States district court may issue an ex parte order, signed by the judge with his title of office, authorizing the applicant to intercept such communications, if the judge is satisfied that there is reasonable cause to believe that such crime or crimes have been or are about to be committed and that the communications may contain information which would assist in the conduct of such investigations.

"SEC. 3. No person shall divulge, publish, or use the existence, contents, substance, purport, or meaning of any information contained in any aforesaid ex parte order or obtained pursuant to the provisions of this act otherwise than for the purpose hereinbefore enumerated.

"SEC. 4. Any person who willfully and knowingly violates any provisions of this act shall be fined not more than $5,000 or imprisoned not more than 1 year and a day, or both.

"SEC. 5. All carriers subject to the Communications Act of 1934 (48 Stat. 1103) are hereby authorized to permit such interception and disclosure of any such communications by wire or radio.

"SEC. 6. If any provision of this section or the application of such provision to any circumstance shall be held invalid, the validity of the remainder of this section and the applicability of such provision to other circumstances shall not be affected thereby."

Mr. WILLIS (interrupting the reading). Mr. Chairman, I ask unanimous consent that further reading of the substitute be dispensed with and that it be printed. I can explain it very simply. I think all the Members know what is involved.

Mr. KEATING. Mr. Chairman, reserving the right to object, is it in the form which the gentleman has furnished us on this side?

Mr. WILLIS. That is right.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. The gentleman from Louisiana is recognized.

(By unanimous consent and at the request of Mr. BOGGS, Mr. WILLIS was granted 5 additional minutes.)

Mr. WILLIS. Mr. Chairman, I thank my colleague from Louisiana. I do not know that I shall need the 10 minutes.

Mr. Chairman, the substitute I have offered will do three things: First, it makes possible the prosecution for treason and crimes against our national security on the basis of wiretap evidence obtained prior to the effective date of the act.

Section 2 preserves the court-order approach in connection with wiretap information obtained after the effective date of the act. Except for the cut-off date and except for the court-order proviso, my substitute is in language identical to the language of the bill now before you.

The third thing my substitute does is to add an additional section that is made necessary in order to have a separability clause in the bill.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield.

Mr. BOGGS. I know there has been some conversation about it here this afternoon, but I would like for the gentleman to explain the action that occurred in the committee. I understand that originally the Committee on the Judiciary adopted provisions very similar to the gentleman's substitute.

Mr. WILLIS. The gentleman is correct.

Mr. BOGGS. Will the gentleman explain it.

Mr. CRUMPACKER. Mr. Chairman, will the gentleman yield at that point?

Mr. WILLIS. I yield.

Mr. CRUMPACKER. Is it not a fact that this particular proposal which the gentleman has presented here never was adopted by the committee or even offered in the committee, either the subcommittee or the full committee?

Mr. WILLIS. That is correct.

Mr. BOGGS. Will the gentleman explain what happened in the subcommittee.

Mr. WILLIS. The bill originally introduced by the gentleman from New York [Mr. KEATING], H. R. 477, contained the court-order approach. It was limited to crimes against the national security, treason, sabotage, sedition, and so forth—limited to those crimes just as this bill today is. In order to go forward with the case before the court, the bill originally introduced, H. R. 477, required the obtaining of a court order, just as my bill does.

The committee held lengthy hearings. As a matter of fact, this bill has been before us since 1952, if I recall well. I am quite sure it was 1952. As I said, we have held hearings on it. We have had at least 15 meetings and executive sessions. We discussed the evidence, the arguments, the testimony, and the subcommittee by unanimous vote reported the Keating bill, which is similar to my bill except for the retroactive features, favorably and unanimously to the full committee.

Mr. BOGGS. How long ago was this?

Mr. WILLIS. The bill was actually voted on favorably by the subcommittee last year, but it did not reach the full committee. This year we held some further consultations and meetings, and it was only last Wednesday that the subcommittee bill unanimously approved was before the full committee.

Mr. BOGGS. What happened then?

Mr. WILLIS. The gentleman from New York [Mr. KEATING], offered a substitute which he introduced as a clean bill on April 1, 1954, and it is numbered H. R. 8649. That is the situation to date.

Let me hasten to tell the gentleman from Louisiana, as I said in general debate and I will say now, that although the gentleman from New York reversed his position the ground for reversal as to the past had meat in it. But as to the future I disagree with him. You see, evidence has been obtained by Attorneys General for many years past, including Mr. Brownell since 1950. That evidence was obtained by wiretap through the FBI and without a court order.

To require a court order means that you have to speak only of the future, hence the Keating bill, H. R. 477, reached only violations against our national security in the future; it did not reach the evidence already in the hands of the Attorney General upon the basis of which it is said conviction might well result against certain persons. One of them named to me was Judy Coplon. Therefore, the gentleman from New York offered his substitute wiping out the court-order feature, vesting all the power in the Attorney General, but reaching out in the past. My proposal as a substitute to his last measure is to preserve what we did in the subcommittee as to the future, preserve the integrity of the court-order approach, then by the retroactive section it reaches the past and permits prosecution upon the basis of the evidence at hand.

Mr. HARRISON of Virginia. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from Virginia.

Mr. HARRISON of Virginia. Has the gentleman any comment to make on the statement that his bill will destroy the efficacy of the situation, that the Attorney General claims we might as well pass nothing as to pass the gentleman's bill?

Mr. WILLIS. The gentleman is talking about the remarks of the gentleman from Indiana?

Mr. HARRISON of Virginia. The remarks of the gentleman from New York. The Attorney General thought that the gentleman's bill was practically worthless. I would like to hear the gentleman's comments on that.

Mr. WILLIS. I did not hear the gentleman from New York make that statement.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from New York.

Mr. KEATING. I do not think the gentleman meant the gentleman from New York [Mr. KEATING]; I think he meant the gentleman from New York [Mr. MILLER]. It is a fact, I will say to the gentleman, that Mr. Hoover has himself stated to me, and the membership should know this, that he would rather not have any bill than a bill requiring going to the courts. I feel in all honesty I should say that, and that it does have some effect on my thinking because of my regard for Mr. Hoover.

Mr. WILLIS. Mr. Hoover did not testify before the committee. He never told me anything about that. It was my understanding that Mr. Hoover wanted to be sure that whatever wiretapping was going on in areas other than sabotage, treason, and so on shall continue to go on. This bill does not stop that practice, whatever it may be. We are not concerned with that. That was my understanding of the desire and the position of Mr. Hoover. But as to the crimes now before us, I do not see what Mr. Hoover could possibly complain about.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from New York.

Mr. CELLER. We have been working on wiretapping legislation since 1940, and on every bill that we had before our committee we have always consulted with Mr. Hoover. I do not remember a single occasion when Mr. Hoover expressed any preference as to whether it should be the court or whether it should be the Attorney General, and if he had such a proposal in mind, he certainly would not have kept it secret; he would have disclosed it to numerous members of the Committee on the Judiciary.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from Louisiana.

Mr. BOGGS. I refer to page 38 of the hearings on the Keating substitute where the gentleman from New York [Mr. KEATING] directed a question to Mr. Rogers, Deputy Attorney General of the United States. The gentleman from New York [Mr. KEATING] said:

> You feel the application to the court would throw such a cumbersome burden upon the Attorney General that you would rather not see any bill than a bill with such provision?

Mr. Rogers replied:

> No; I do not, Mr. Chairman. I do not.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. KEATING. Mr. Chairman, I ask unanimous consent that the gentleman from Louisiana [Mr. WILLIS] be allowed to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield.

Mr. KEATING. The gentleman has correctly read the record, and that was then the position of the Attorney General as stated, I assume, by the Deputy Attorney General. Since that time the Attorney General and Mr. Hoover in a conference with me have stated—and the membership should know it for whatever weight it has—that they preferred not to have any bill than to have a bill with the court order approach in it.

Mr. BOGGS. Does the gentleman mean to say that there is no record of this conference; that this was a private conversation with the gentleman?

Mr. KEATING. No.

Mr. BOGGS. That is what the gentleman said.

Mr. KEATING. Mr. Chairman, will the gentleman yield further?

Mr. WILLIS. I yield.

Mr. KEATING. That was a statement made in a conference between myself and Mr. Brownell and Mr. Hoover. However, Mr. Brownell, in an informal meeting with the members of our subcommittee, stated substantially the same thing.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from New York.

Mr. CELLER. Does not the gentleman think that the gentleman from New York should have disclosed that secret conversation he had to the other members of the Committee on the Judiciary so that we could be apprised of what Mr. Hoover had in mind?

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. Yes.

Mr. KEATING. I did state that. I stated it repeatedly.

Mr. CELLER. Where is it in the record?

Mr. KEATING. In the full committee I stated it.

Mr. CELLER. Where is it in the record?

Mr. KEATING. It is not in the hearings which were held last year. It is a position newly taken by the Attorney General since those hearings. And, I have stated it in the meetings of the Committee on the Judiciary, and it was one of the factors, I am frank to say, that caused me to feel that I should recanvass my previous position.

Mr. CELLER. Is it in the form of a letter or document or paper that we could look at and see?

Mr. KEATING. No, it is not; but there is no question about his present position.

Mr. ALBERT. Mr. Chairman, in view of the fact that the gentleman's time has been taken up on a collateral issue, I ask unanimous consent that his time may be extended 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. BOGGS. Mr. Chairman, will the gentleman yield, so that I may direct a further question to the chairman of the subcommittee?

Mr. WILLIS. I yield to my colleague from Louisiana.

Mr. BOGGS. I should like to get this point cleared up. I have examined the hearings. The only thing I find in the hearings is the statement by the Attorney General or his representative that he would not oppose this provision, in reply to a question propounded by the gentleman from New York [Mr. KEATING]. The only further evidence I have heard presented by the gentleman from New York is that he had an informal conference with the Attorney General of the United States. Do I understand that there is no letter, there is no official presentation of the position of the Department of Justice on this matter and no reasons given?

Mr. KEATING. Oh, yes, very extensive reasons, which I have stated in debate. But, following the conversation which I had, I arranged for the Attorney General to meet informally with the members of the subcommittee where he repeated in substance what Mr. Hoover and he had previously said to me. There is nothing in the record on the subject and there is no letter. A letter could very easily be obtained, but there can be no question about his present position.

Mr. COUDERT. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from New York.

Mr. COUDERT. If my ears heard right a moment ago, I think Mr. J. Edgar Hoover was likewise quoted with respect to this bill. I happened to have found a quotation from Mr. J. Edgar Hoover in the March number of the Harvard Law Review which I think would be of interest to the Members of this House because apparently there is also a Mr. Hoover No. 1 and a Mr. Hoover No. 2 in this matter. Writing in 1940, February 9, he refers to wiretapping evidence as an "archaic and inefficient practice which has offered a definite handicap or barrier in the development of an ethical, scientific, and investigative technique."

I think the Members of the House would be interested in that because evidently Mr. Hoover has changed his position.

Mr. WILLIS. I do not know about Mr. Hoover. It appears that Mr. Brownell has changed his position 2 or 3 times on this bill.

I understand that the chairman of our full committee, the gentleman from Illinois [Mr. REED], introduced an administration or a Brownell bill some time ago. It now appears that Mr. Brownell favors the Keating proposal before us. Now we are told apparently that he is so hardheaded about what he wants that he does not want anything unless he gets it his way. But that does not interest me at all—how Mr. Brownell felt in the past or how he feels now or how he is going to feel in the future. I have the highest regard for Mr. Brownell and I hope debate will proceed along the lines of our independent judgment on this legislation.

So far as I am concerned, as I have said in the general debate, I think the court-order approach is preferable, is safer, and it follows the pattern of our Constitution and the guideposts set up in connection with a search warrant.

I quoted from Mr. McDonald this morning. Mr. McDonald is a district attorney in New York where there is a wiretapping law. He has had a lot of experience. I quoted him this morning to the effect that there is no difference between a search warrant and a court order in this situation.

We have heard really only three criticisms, as I have analyzed them up to now, of my substitute.

The first criticism is that it would involve delay. I have already addressed myself to that point. There will not be any delay involved. The delay is mechanical in setting up the wiretaps. Presenting the order to the court is a simple proposition. I was glad to hear my good friend the gentleman from New York [Mr. MILLER] admit that is so under his own practice as a former district attorney in New York.

On the question of the violation of secrecy, as I previously pointed out, it horrifies me to think that when the Attorney General, his assistants, a stenographer in his Department, a mechanic, an official of the telephone company—when people will be assigned to listen in to these conversations for months at a time, when they can all be in on this business, we then do not want a Federal judge to get in on it because we do not trust him, because we feel he might gossip about it. It horrifies me that we would even think of that proposition, or that a presiding judge somewhere might go fishing, as someone suggested, and not be available. We have a hundred district judges and I do not know how many circuit courts of appeal judges. You have to go to only one of them. You have only one Attorney General. Suppose he goes fishing?

Mr. DIES. Mr. Chairman, I move to strike out the last word, and ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DIES. Mr. Chairman, I think we are all in agreement that legislation to make admissible evidence secured through wiretapping is desirable in cases where the national security is involved. I think we are all in agreement that except under those circumstances it should not be permitted. Certainly when I lease a wire and pay for it I am entitled to have my rights respected, unless I am violating the laws of the land.

It would certainly not be desirable if wiretapping were permitted on an extensive scale. Of course we know that it has been going on for a long time. Many times while I was investigating un-American activities my wire was tapped. It has been the practice in Washington for a long time to intercept telephone conversations.

This bill seeks to accomplish two things: One, to make admissible evidence that has been secured already in order to bring about the conviction of certain alleged traitors. I think everyone is in agreement that that ought to be done. It does not involve any violation of constitutional law. It does not constitute ex post facto legislation, as has been pointed out by other speakers this afternoon. Both proposals enable that to be done, whether the committee bill is adopted or the proposal by the distinguished gentleman from Louisiana is substituted. In either event the Attorney General will be able to use this evidence for the purpose of convicting certain people.

But with respect to the future there is a question. In the first place, let me make it clear to you that I do not believe that the bill, whether it follows the proposal of the committee or the gentleman from Louisiana, will accomplish the purposes they hope it will accomplish. The people who are sent to the United States to spy on our country or to commit acts of sabotage are the best-trained agents on earth. We had testimony before our committee showing the extent to which the Soviet Union instructs and trains its saboteurs and its spys. They are not going to send to the United States anyone so dumb that he would use the telephone after this legislation is passed. It is inconceivable to me that any great good can be accomplished by the legislation. However, the Attorney General says he needs it. We are all deeply concerned about the security of our country, and while I disagree with him as to the good that can be accomplished by this legislation, I am willing to go along on a sane and sensible proposal.

The reason, in my opinion, it will not do what the sponsors anticipate is, as I said, that you are notifying the intelligent and well-trained agents of foreign powers that you are going to tap their wires, and that you will use the evidence in the courts. From my knowledge of the agents of foreign countries, there is not one of them who will be so naive and careless that he will employ a telephone in this country in order to communicate his treasonable plans and activities to any of his confederates. But the Attorney General, who is charged with the responsibility of protecting our internal security, has asked us for legislation. Now, how are we going to give it to him? I am sure the committee is entirely sincere when they think it is better to let the Attorney General decide when he can tap the wire and when he can use the evidence. But I cannot agree with that, and I will tell you why. I can think of several former Attorneys Generals to whom I would not want to give this power. I know of one Attorney General who, I had reason to believe, investigated me rather extensively. In fact, I saw a brochure that came from one of the departments of this Government which contained over 100 pages of purported conversations which took place between me and different people and various activities in which I was alleged to have engaged. If I am willing to trust the present Attorney General, would I be willing to trust any Attorney General? And you gentleman on the other side of the aisle, if Mr. Biddle was Attorney General today—would you for one moment consider this legislation? You would not get five votes on the conservative side. If that be true, would it not be better to require court orders from those who want to invade the rights of the citizens—and it is an invasion—there is no way in the world that you can argue against that. If I pay my money to lease a telephone line, I am entitled to have my privacy respected unless I am engaged in criminal activities.

Who is to determine whether or not I am engaged in such activities? There were public officials in this country who said I was subversive. They said it publicly. In fact, one of them said I was the agent of Hitler and was doing more to serve the cause of Hitler than anyone in the United States. If he had been in charge of this bill, he would have been authorized to tap my telephone.

I am just as anxious as any man living to apprehend any traitor in the United States. I realize the difficulty of apprehending the clever agents of the Kremlin. They are masters in the art of espionage and sabotage. They have an Oriental cunning about their activities that is far ahead of anything that we have ever seen or experienced in the Western World. It is not an easy matter to convict them. But I submit, Mr. Chairman, that you are not going to catch them by notifying the world that from now on we are going to tap telephones and use the evidence so secured against them.

I further submit that we ought to use every precaution we can to guard against invasion of the fundamental and God-given rights of the American people. It well may be that the present Attorney General will be careful and judicious in the exercise of this power, but he is a prosecutor; and since when have we lodged in the hands of one man the right of prosecution and the right to pass upon matters that are semijudicial? How can the enforcement of this law be impeded or embarrassed by the requirement that you go before a Federal judge and sign an affidavit? Is that not a protection to the citizen? If a man is going to intercept my conversation, if he is going to search my house, if he is going to invade my rights, is it unreasonable to require that he make an affidavit and appear before a judicial officer, to secure the necessary authority?

Attorney generals are political appointees. To say that they will not be influenced by politics is simply to ignore realism.

I believe, Mr. Chairman, that we can accomplish everything under this substitute that the proponents of this measure seek, and we can do it in a more careful and more prudent manner.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JAVITS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I am glad I follow the gentleman from Texas [Mr. DIES], because I think what he has said is a necessary preliminary to absolute disposition of the issue before the House.

There is not a real good reason why both sides should not be united upon

the particular solution proposed by the amendment to a difficult issue. Why this amendment should not be the bill before us, and why we should not as we would then be practically united in support of this bill. This is just exactly the kind of bill from which controversy ought if possible to be removed.

Now, what is keeping us apart on this bill? I submit that it is the label that has been put on this bill as an antitraitor bill which in effect says: "Do not amend me." The reason I say I am glad the gentleman from Texas [Mr. DIES] preceded me is because he showed that the label is not warranted—that the bill does not contain what the label sought to be applied describes it as containing.

By the passage of this bill, with or without the Willis amendment, you are not going to stop traitors from operating in the United States—therefore it is not properly an antitraitor bill. It is a bill to permit evidence acquired by wiretapping to be used in evidence—one of the tools which the Attorney General wants, and with the trend in our country to strengthen and strengthen executive authority, with our people really concerned about powers which are being vested, whether by public acclaim or whether by law, in any one man, this amendment is a useful precaution which the Congress ought to take.

I ask my colleagues, What do you expect the Attorney General to say? He has properly great faith in himself. He feels he is a completely disinterested man who will rule exactly right, as if he were the most objective judge. But it is our job to see that checks and balances will be imposed on executive power and they will be imposed by this amendment as between the executive and the judiciary. Here are two departments of Government which we can put into motion by adopting this amendment, one of which will be a check upon the other.

The gentleman from Louisiana [Mr. WILLIS] has given us a chance for substantial unity on this bill. It is a dangerous and difficult bill at most. It is an invasion of the privacy of the people of our country in a time of danger to privacy as is evidenced when a great organization like the Presbyterian Church issues a letter and says that "treason is being confused with dissent."

Mr. Chairman, this is a day to be on guard. We are being given a very limited protection by this amendment; it is a protection which if adopted allows practically all to agree upon the bill. I therefore urge you to adopt it and let us unite on the bill with the amendment in it.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. JAVITS. I yield.

Mr. GROSS. All the emphasis has been placed upon the Attorney General. Is it not a fact that this bill includes also the Army, the Navy, and the Air Force in wiretapping?

Mr. JAVITS. The gentleman is exactly right.

Mr. GROSS. So it is not limited to the Attorney General.

Mr. JAVITS. That is exactly right.

Mr. GROSS. What we have done here this afternoon is to give power to the Attorney General to let the Army, the Navy, or any arm of the military service use it if he sees fit.

Mr. JAVITS. That is what the bill provides.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. JAVITS. I yield.

Mr. CELLER. There is provision for court order provided the Attorney General has given his approval.

Mr. JAVITS. There is no question but what this bill would apply to all of these agencies and that with amendment the court order would be required of any agency acting under the bill. That I think is an additional reason why the amendment should certainly be approved.

Mr. Chairman, I yield back the balance of my time.

Mr. FORRESTER. Mr. Chairman, I rise in support of the substitute.

Mr. Chairman, I have a lot of confidence in this substitute; as a matter of fact, I take great pride in the fact that I was one of the authors of this substitute. I think you all know me, and that you know there is not a man in this Congress who is against communism or subversion any more than I am.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. FORRESTER. I yield to the gentleman from Louisiana.

Mr. WILLIS. I want to thank the gentleman for the help he was to me and to the Democratic members of the subcommittee and the real contribution he made not only in drafting the bill, but he went further and telephoned the Attorney General to verify his understanding of a certain situation in regard to this matter.

Mr. FORRESTER. I thank the gentleman.

I had no experience in legislative halls until I came to Congress; on the other hand, though, I was a prosecuting attorney for 27 years, and I think I know something about this subject we are discussing today. Right at the very commencement I want to say to you that there is no constitutional question involved here, and I have no patience with the argument that any man can sit in his own home and at his own telephone, and with constitutional protection, use that telephone as his agency to scatter subversion over this land. I know that any respectable court will hold that that man stepped outside of the privacy of his home, that the telephone wire was his agent, and that he will not be permitted to send his voice of treason and subversion into other homes, offices, places of business, even over the oceans, over the mountains, and into various States and even into Moscow, and then say that he has any constitutional protection or constitutional immunity.

The framers of our Constitution would weep if they could hear some of the asinine arguments that are brought up here to protect traitors. But, Mr. Chairman, let me say this to you, there is another side here also.

Do you know why you got the Constitution of the United States? Mr. Chairman, you got the Constitution because it was written in an emergency to protect you against an emergency. It was written to protect you against the do-gooders and the traitors on the one hand and to protect you against hysteria on the other hand. You can follow the rules of your constitutional and legal precepts and obtain all the protection you need.

Mr. Chairman, I want to call your particular attention to some things that we are doing today unless we approve this substitute: We are destroying the separation of the three powers of this Government. The granting of an order of this kind is a judicial function and has been since this country came into being.

It was never intended that a member of the executive branch should have anything to do with a judicial act. As a matter of fact, the executive department is political in its nature, inherently so. You cannot laugh off the argument made by the gentleman from Texas [Mr. DIES], showing that to be true. The judiciary is supposed to be absolutely removed from politics.

Mr. BROWN of Georgia. Mr. Chairman, will the gentleman yield?

Mr. FORRESTER. I yield to the gentleman from Georgia.

Mr. BROWN of Georgia. I wish to state that the gentleman now addressing the committee was one of the most effective prosecuting attorneys in the State of Georgia that we have had in many, many years and I want to congratulate him on the fine statement he is making in behalf of this substitute.

Mr. FORRESTER. I thank the gentleman from Georgia. The gentleman has a most enviable reputation as a lawyer in our State, and is certainly recognized as one of the most able Members of Congress. I was certain that the gentleman's fine background would cause him to endorse my position.

Mr. Chairman, I have great confidence in the judiciary. You know, I was highly pleased to see some distinguished lawyers sitting on our committee on the other side of this aisle who recognize the sanctity of the judiciary. They are great lawyers and splendid Americans, and it has been a privilege to serve with them.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

(By unanimous consent, Mr. FORRESTER was allowed to proceed for 3 additional minutes.)

Mr. FORRESTER. Mr. Chairman, I have had a pretty good experience in the courts of this country. I confess to you that I have seen a few trial judges that I thought practiced law by ear a little bit, but I have never seen one that I thought was crooked. There is not a safer depository in this land for anything involving the security of America than are the trial courts. That is true, and thank God I believe it is true. If it is not true, if the Attorney General is the only one we can follow, then I suggest that you get a ticket to your respective homes and let me go back to Leesburg and just wait for the deluge that is bound to come.

I should like to make another interesting observation. I do not know of one court in this country that is to any

extent in disrepute except, right or wrong, perhaps the United States Supreme Court. Do you know why? That is the work of the executive department. The executive department, which is fundamentally political, makes those appointments. If you had called upon the different district judges in this country and en banc, to recommend to you a judge or judges to be elevated to the United States Supreme Court you would not have had this trouble. You would have had outstanding jurists, and you know it.

Let us keep things in their proper order. Let judicial acts rest with the judiciary and let the executive department attend to the executive business. If the Attorney General has got to have this power, why not give him the right to issue search warrants himself, serve them himself, and to be his own judge, his own jury, and his own executioner? Mr. Chairman, if I was the Attorney General you could not give me this kind of power. In the first place, I would not want to go into court with the tinge of politics upon me; I would want to be where I could be removed from the sting of the argument of the defendants that what was done was politically inspired; I would want to be where I could say to the court and to the jury that what I did was under an order of a court of his land and that I was obeying that order, being conscious that I was operating in the only forum in which all parties can come together on equal terms. I would certainly want that to represent the attitude of the United States of America.

Mr. CRUMPACKER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to ask the proponents of this substitute why, if they feel that a court approach is such a fine and such a necessary thing, they do not want to extend it to all the people, to all the citizens, instead of just to certain groups. The gentleman from Texas [Mr. DIES] made considerable comment upon the activities of previous Attorneys General and that he felt their activities were not well suited to his interest. I would like to know why he is willing to permit the evidence which they obtained without any court order to be offered in a possible criminal action while he wants to deny that right to the present Attorney General and to future Attorneys General. Now, this court order approach, if it is a good thing, should be a good thing for all, not just for future Attorneys General but for past, present, and future Attorneys General.

Mr. WILLIAMS of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. CRUMPACKER. I yield to the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. If there is any precedent for giving the Attorney General wiretapping authority, certainly that precedent would be in giving him authority also to open and inspect first-class mail going through the United States mail service.

Mr. CRUMPACKER. On that particular point, if the gentleman will read the decision in the Olmstead case he will find that the majority of the Supreme Court discussed that point at some length and disposed of it. I cannot take the time at this time to go into the details of that, but the Supreme Court has made that distinction.

There are many reasons why the court order approach does not suit the needs of the Attorney General in combating this very insidious Communist conspiracy. One of them is the matter of geography. No district judge can grant any order that is effective beyond the limits of the judicial district in which he sits. No circuit judge can grant any order which has any effect beyond the jurisdiction of the particular judicial circuit in which he sits, while the bill proposed by the committee would grant the Attorney General the right to tap a wire anywhere in the continental United States or the Territories. Many of these cases are nationwide; in fact, international in their scope. If you tie the authority down to the geographic areas of judicial districts, you may force not just one court order but a whole series of court orders, and you may involve considerable confusion and delay in time, and the time element, too, is very important. When someone in the FBI or one of these other agencies gets a possible lead on some Communist activity, they need to pursue it immediately, without any delay and with a minimum of red tape and interference. If you require them to take the time to prepare the necessary papers, have them typed up, sworn to, taken to a court, and then finally an order obtained, and then, after that, begin to tap the wire, there may be a lapse of time ranging from hours to possibly days if the courts do not happen to be in session in the area in question.

Mrs. ST. GEORGE. Mr. Chairman, will the gentleman yield?

Mr. CRUMPACKER. I yield to the gentlewoman from New York.

Mrs. ST. GEORGE. I wanted to ask the gentleman this question. Much has been made of the effectiveness of the law which now prevails in the State of New York. Is it not a fact that what may prevail in a State may be perfectly workable in a State, but that may not be true on the Federal level or throughout the entire country where this bill is supposed to apply?

Mr. CRUMPACKER. That is absolutely correct. You are not chasing petty gamblers or thieves or robbers, or something of that sort, here. You are pursuing an international conspiracy which has for agents, not the petty thieves and crooks, but very clever agents who are trained in espionage, and where it is necessary to use all known technological aids, in order to track them down, to try to protect the interests of this country.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. WAINWRIGHT].

Mr. WAINWRIGHT. Mr. Chairman, due to the fact that I will be away tomorrow on official business, I am imposing upon your good nature at this late hour to express my views on the extremely important question before the House. On Friday I will be acting as your representative at the inaugural ceremonies of the Governor of the Virgin Islands, so that I will be unable to cast my vote in favor of the Willis amendment or substitute. Nor will I, unfortunately, be able to cast my vote in favor of H. R. 8649, whether it is amended by the Willis substitute or not. In other words, I want to make my position unequivocally clear that while I am in favor of the Willis substitute because of its additional protection given to our liberties, I feel that the basic bill serves a proper and necessary function. The Willis amendment acts merely as an improving feature.

Mr. Chairman, I yield to my colleague from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Mr. Chairman, I thank the gentleman for yielding to me. I am sorry the gentleman from Indiana [Mr. CRUMPACKER] did not have enough time to yield a bit more to me. I would like to read subsection C, section 1717, title 18 of the United States Code:

> No person other than a duly authorized employee of the dead-letter office or other person upon a search warrant authorized by law shall open any letter not addressed to himself.

Mr. WAINWRIGHT. I rise in support of this amendment with some temerity. It is the first time this year that I have imposed my time upon my colleagues. However, I feel that the propositions and questions we are dealing with here today are of monumental importance.

I would like to be associated with the remarks of my colleague and friend from Connecticut [Mr. DODD] in the statement he has just presented.

Everyone in this Chamber, every Representative, I shall assume, is against communism. So, really, the question we have here today is whether to grant authority to our Attorney General, or whether an Attorney General should go through our courts to obtain wiretap authority. The real danger in granting authority to an Attorney General has been aptly expressed by my friend from Connecticut [Mr. DODD]. It is a grave political danger.

What would stop an Attorney General, on the recommendation of some third Assistant, far distant from Washington, in recommending that Senator So and So or Congressman Jones' or Smith's phone line be tapped, that his home or office phone be tapped? Perhaps the members on the committee say that such a situation is impossible, because the United States Attorney would have to comply with the six reasons set forth in the bill. Obviously, though, the United States Attorney's request might be for purely political reasons. A United States Attorney is by this bill being given license by the Congress. He might want to learn certain political secrets such as whether a colleague is running for the Senate or for the Governorship. He might want to find out other political secrets for more sinister reasons.

The gentlemen on the committee will say that is not possible, because the United States Attorney would have to comply with those six features of the bill. They are wrong.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. WAINWRIGHT. I yield.

Mr KEATING. The gentleman probably does not appreciate that the Attorney General can do that today.

Mr. WAINWRIGHT. Yes, but you are legalizing it.

Mr. KEATING. No. What this bill does is not to change the times when he can tap, but the times when he can use it in evidence. He could only use such information in evidence if he found evidence of treason, against a Member of Congress; and I know the gentleman would agree that he should then.

Mr. WAINWRIGHT. Oh, I certainly do, whether it is a Member of Congress or any other officer of the Government. But where the gentleman makes his error is in assuming this information obtained by the Attorney General could not be released under some guise or pretext, as set forth in the bill, and thus made public. Not only would it be made public, but it would also be given the cloak of legality.

Mr. KEATING. He would then be guilty of a crime and subject to both fine and imprisonment.

Mr. WAINWRIGHT. It would come under a political heading. Do you deny this danger of which I am speaking?

Mr. KEATING. It is covered expressly.

Mr. WAINWRIGHT. This is contrary to our way of life. We live in times, now, when our political liberties are under special scrutiny. The wiretapping proposition should be approached with great care. I believe that the Willis substitute provides these safeguards that are set forth.

Mr. DODD. Mr. Chairman, will the gentleman yield?

Mr. WAINWRIGHT. I yield to the gentleman from Connecticut.

Mr. DODD. Under the answer the gentleman from New York made you would have this situation: The Attorney General would violate the law and the Attorney General would prosecute the Attorney General.

Mr. WAINWRIGHT. Right.

There is one other point this House should take under careful consideration. The Willis substitute, it has been said, would be declared unconstitutional, because you would have a violation of the fourth amendment. That is what has been said. I call on any member of the committee or anyone in this House to cite me one law case in similar circumstances where such a proposition has been declared unconstitutional. I know they cannot do it. I rest my case on that.

Mr. CURTIS of Massachusetts. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am going to take a few minutes because it seems to me that so many of these arguments are advanced against this bill as though it were a wiretapping bill. This is not a wiretap bill; it is an antitraitor bill, and I can prove that to you.

There are two questions involved: First, can the enforcement officials of the Government go out and make wiretaps, and what is the state of the Federal law on that? That answer is that the door is now wide open. They can now go out and make those wiretaps.

The second question is, Can the evidence secured through those wiretaps be received in court? There the door is now tightly shut. Under the law, if we do not amend it today or tomorrow, that evidence is not admissible.

So I say that all this talk about authorizing invasion of the home, all that sort of argument, is beside the point. Wiretaps are now permissible. All we are saying in this bill is that we want to open the door to make some of that evidence admissible in court under safeguards. We open the door only in antisubversive cases where the national security is involved and if the Attorney General has approved the wiretapping.

It is said that we ought to require a court order. If that were said on the broad question of authorizing wiretapping, I might be with you; and I think that that is a question which ought to come up. It was going to be brought up in the Committee on the Judiciary, but we felt that a point of order would lie against it. We were not and are not now considering the broad question of who can wiretap and under what circumstances they can wiretap. That is not before us. All that we have before us is the question of admissibility of evidence. We are opening the door a little crack in national security cases.

What the gentleman from Louisiana wants to do by his amendment is to open the door for past cases under one rule, and for future cases under a different rule. I say to you that any court seeing such a provision might say that it was framed to get those past cases, but the lawmakers were not willing to adopt the same rule as a general proposition. The law, therefore, might fail.

An amendment which sets up one rule of evidence for past cases and another rule of evidence for future cases should not be accepted.

Mr. GRAHAM. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose, and the Speaker having resumed the chair, Mr. DAVIS of Wisconsin, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 8649) to authorize the admission into evidence in certain criminal proceedings of information intercepted in national security investigations, and for other purposes, had come to no resolution thereon.

DAIRY PRODUCTS AND THE DAIRY FARMER

Mr. BOW. Mr. Speaker, I ask unanimous consent to extend my remarks at this point.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOW. Mr. Speaker, I have today introduced a bill for the purpose of assuring fair treatment for the more than 2 million American dairy farmers who under present law find themselves squeezed between low price supports on the dairy products they sell, and high price supports on the feed grains they must buy.

I refer to the fact that on April 1 supports of dairy products were reduced to 75 percent of parity, while the support level on feed grains continues at 90 percent of parity. It is obvious that such a situation, if permitted to continue, will impose a tremendous hardship on the Nation's dairy farmers.

I therefore propose in my bill, which is a similar bill to that recently introduced by the distinguished gentleman from Washington [Mr. WESTLAND] that dairy farmers be permitted to purchase their feed grains at a price comparable to that which they receive for the products they sell.

To be explicit, my bill provides that the Commodity Credit Corporation shall sell feed grains which it acquires through price-support operations to dairy farmers at prices equal to the same percentage of parity at which dairy products are being supported. In other words, so long as dairy supports remain at the present 75-percent level, dairy farmers would be permitted to purchase feed grains to be used solely for feed purposes at 75 percent of the parity price for feed grains.

If the dairy support level is raised to 85 percent, as I proposed in my bill H. R. 8560, introduced March 25, 1954, the price of feed grain to dairy farmers would be 85 percent of the feed grain parity price.

I am convinced that this is the only logical way in which the farmer can obtain fair treatment in the face of drastically reduced supports for the products he sells. No businessman—and it must be remembered that the farmer is a businessman—should be expected to accept a dictum that "You've got to cut your selling price by 15 percent, but we are going to continue the costs of your raw materials at their present levels."

I believe that by tying together the two elements of dairy costs and dairy supports we can achieve the multiple purposes of (1) lower prices to consumers of dairy products, (2) fair profits to the dairy farmer and (3) reduced cost of the dairy support program to the Government.

DOWN THE ROAD TO WAR?

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks at this point.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Speaker, recent events, to those who remember 1917 and the policy we have since followed, seem to lead to the conclusion that soon we will be involved in the war in Idochina—our fourth world war within the memory of many.

When, in 1914, the Germans under the Kaiser started east, the internationalists convinced us that, to make the world safe for democracy, we must send America's sons to fight more than 3,000 miles from home. That was on April 6, 1917. That war at an end, the people of the world now have less of freedom, or, if you prefer, of democracy, than they had before. Our casualties, 364,800; our dead,

126,000; our national debt, $19,438,-355,000.

When Hitler, able to enlist the support of his people because of the unjust provisions of the treaty which settled World War I, moved west, and then turned east in violation of his agreement with Stalin, we did not, at the moment, have a real excuse for entering the war. Nevertheless, without delay, we began to aid and build up the Communists.

As a nation, we violated practically every international law which would have restrained a neutral.

Then, on December 7, 1941, came Pearl Harbor.

The next day, by a formal declaration of war, the Congress made legal the illegal war in which, under Executive order, we had for months been engaged.

That was a war, so we were told, to end all wars. When the fighting ceased, our casualties were 1,049,741; our dead, 389,-769; our national debt, as of August 14, 1945, $262,571,665,797.

To appease and please the Communists of Russia, our armies were halted short of Berlin. Russia took over in Eastern Germany, in northern China, and much of Asia.

Russia, our so-called ally, which we had saved from bankruptcy and established as a world power, added 800 million people to her subjects, established a Communist government in China, made her power felt in Europe.

Throughout that war and since—yes, even today—while talking against communism, we and our allies have been building up the productive power, the military might, of Communist Russia.

Grown powerful and arrogant, Russia caused the North Koreans to invade South Korea.

President Truman, acting at the solicitation of the United Nations—an organization, participation in which destroys our independence and our freedom of action in world affairs—on June 26, 1950, ordered our military forces into action in Korea.

While harboring Communists here at home in the Federal Government—and that is a charge established by the records of our own Government, and established in spite of administrative coddling and before a man named JOE MCCARTHY appeared on the scene, President Truman gave us world war III.

That, so it was said, was a war to contain communism. To date, that war has cost us, 144,173 casualties; our dead, 25,604; left us, as of July 27, 1953, with a national debt of $272,516,821,439.

THE 1952 CAMPAIGN

By the spring of 1952, the people of the Midwest, at least, were thoroughly convinced that the foreign policy of the Roosevelt-Truman administrations was unsound. It was unsound and ruinous in that the cost in dollars was so great that its continuation would bankrupt us.

The loss of life and the cost of munitions of war were so enormous that our ability to defend ourselves was impaired and we completely failed in securing the friendship of other people and enduring, worthwhile alliances with other nations.

The foreign policy of the Roosevelt and Truman administrations, the announced objective of which was to secure for us the friendship of other peoples and other nations, create a permanent, one-world organization which would secure and maintain world peace, brought neither friendship nor peace.

That policy transformed Uncle Sam into a one-world Santa Claus to whom all other nations looked for gratuities and, on occasion, military assistance, through the drafting of American youth to fight in wars to protect their own interests.

By 1952, through congressional investigations directed by conservative Democrats, given publicity by an aroused press, the people were thoroughly convinced that the Roosevelt administration, having recognized Russia in 1933, was coddling Communists in policy-making positions in the Federal Government.

They were also convinced that Communists within the Federal Government were shaping not only its foreign but its domestic policy, designed in both instances to further the interests of communism.

By the same forces, through the same means, the people were also convinced that the Roosevelt and Truman administrations were corrupt.

In their campaign for the Presidency and the control of the Congress, the Republicans solemnly pledged that this country would no longer, without some adequate return, act as banker, or more accurately, as Santa Claus, for all other nations throughout the world; that it would not continue to be the only nation which would conscript its men, and perhaps later its women, to fight in wars in which its own vital interests were not involved.

The Republicans promised that, if entrusted with authority, they would not only give the people a sound, economic, honest administration, but that they would clean out all the Communists, the crooks, the racketeers, and the extortionists, who were destroying our welfare, our freedom, and stealing our sustenance. In brief, that they would make good the long-forgotten promise of Franklin D. Roosevelt to drive the money-changers out of Washington.

THE VICTORY WON

The victory won, though by a very narrow margin in Senate and in House, with a military man of wide experience in foreign affairs in the White House, the people once more looked to Washington with hope and faith.

They realized that the task confronting the new administration was an enormous one. They were prepared to be patient and charitable.

In driving the Communists out of the Government, an aggressive, fighting Marine, a member of the other body, took over where Dies, Starnes, Rankin, Hébert, and Nixon, the Vice President himself, had left off.

No sooner did he begin to show results accomplished, it is true by rough and ready methods—and how, may I ask, can one effectively deal with traitors within our ranks—that he was assailed by the Communists, by the left-wingers, by one-worlders and by some nice, sincere, patriotic individuals who just do not understand the facts of life—individuals who do not realize that members of the party which denies the existence of God, who advocate by force the overthrow of a free nation, a nation which has harbored and assisted them, have no respect, give no sanction to truth or fair dealing.

Committees of the Senate and the House began to uncover corruption and to obtain the indictment and conviction of some of those who were responsible for fraud and corruption in our national administration.

An aroused public sentiment which grew out of congressional investigations and the determined efforts of a free press made it apparent to the administration that the people had taken seriously the campaign promises to clean up the "mess" in Washington.

Unfortunately, at least one congressional committee, which had but started a cleanup job in connection with the misuse and the plundering of union health and welfare funds: which had obtained the indictment of a number of racketeers and extortionists, was, by politicians high in the council of both parties, liquidated.

Fortunately, while that particular committee was liquidated, others have taken over.

Of far more importance and effect is the fact that a few courageous Federal judges and district attorneys, realizing that public sentiment is back of them, that they are once more at least partially free to follow their own inclinations, to give the people good Government, are acting to carry out the cleanup job.

Of still more potential value is the fact that an aroused Department of Justice, under a determined United States Attorney General, will, with the aid of the FBI, directed by men of exceptional ability and unquestioned integrity, carry on and put a proper and adequate finish to the work so auspiciously begun by the liquidated House committee.

THE FOREIGN POLICY

When the President gave the world to understand that we would not continue to keep our young men in Korea, there to suffer and to die, while being denied the opportunity to fight for victory, our people took heart.

Many of them believed that once more our primary interest was to be the welfare of our people, the security of the Republic. This thought grew as the President called home from Korea two divisions of our armed service.

Then, on March 13, 1954, came the speech of Vice President NIXON. He said he spoke with the approval of the President. He told us, as he told the world, that no longer would we be trapped into fighting wars wherever, and whenever, throughout the world, the Communists might induce a satellite or a friendly nation to start trouble.

On that occasion, the Vice President told us what thinking people already knew; that we were not strong enough to fight the world. He said we would not fall into the Communist trap of being drawn "into little wars all over the world." The Vice President added that: "Rather than let the Communists nibble us to death all over the world in little

wars, we would rely in the future primarily on our massive mobile retaliatory power which we could use in our discretion against the major source of aggression at times and places that we chose."

The people were further heartened when, on January 18, 1954, Admiral Radford, Chairman of the Joint Chiefs of Staff, told them that the Communist prospects for victory in Indochina were nonexistent; when he added that there was no pending proposal to send American troops to Indochina. Again, on February 16, he told the Senate Foreign Relations Committee that "American involvement in the Indochina war would stop short of sending United States combat troops or pilots there."

Gen. Walter Bedell Smith, Under Secretary of State, added: "There is no intention to put United States ground soldiers into Indochina."

Our colleague from Minnesota, Representative JUDD, long a resident of China, assured us, when he summarized certain testimony before the House Committee, that there were no plans to send more United States forces to Indochina.

And just a little more than a month ago, Secretary Dulles gave us to understand that, if France wanted to let Indochina go by default, we would have no objection.

A WAR IN SIGHT?

But more recently, Secretary Dulles went so far as to threaten military intervention if things go wrong in Indochina.

Representative JUDD, returning from what he calls a study mission abroad, where the committee visited some 14 countries, reporting to the House on March 3, CONGRESSIONAL RECORD, page 2623, among other things stated:

> The nations of Southeast Asia and the Pacific are either under attack or stand in imminent danger of attack. All of them are victims of Communist subversion.

Then he added:

> Their continuance outside the Communist orbit is as important for our national security as it is essential for theirs.

Being interpreted that means that we, the Republic, as a nation, will fall, if these nations are unsuccessful in the fight against Communist domination.

To ascertain what the gentleman from Minnesota, Congressman JUDD, meant as to how far we must go, note his statement:

> The study mission recognizes the necessity for continued military assistance in proportion to the urgency of the need and the capacity to use it effectively.

If that statement means anything at all, if it is something more than oratory in behalf of China and other Asian nations, it means that we must supply to the nations of Asia in the way of money, munitions, scientific assistance and foot soldiers—cannon fodder—to as great a degree as they may need and can use.

Those views mean, if they mean anything concrete, that the youth of America is to be sacrificed on the altar of the one-worlders to protect people and nations who neither subscribe to nor practice our way of life; who do not believe in our form of government; who down through the centuries have lacked either the ability or the inclination to make the progress to what we call freedom and prosperity which we have made or, and this may be the truth, are on the whole, content and satisfied with their own customs, their own religion and their own manner of living.

Still more recently, the President, after telling his press conference that he could not imagine any greater disaster to America than to employ ground forces abroad, added that we were making our friends—and he did not name them—strong enough to take care of local situations themselves with our financial and economic help, and, when our vital interests are concerned—with military help.

The President gave us to understand that where our own vital interests demanded, other nations would get military help. And, much as I regret to voice it, that still means that, whenever one of nineteen nations is involved we move in, we are at war. That means ultimately, foot soldiers, drafted or enlisted, of the United States of America, fighting and dying all over the world, in little wars wherever, whenever, Communist Russia wills. A policy which the Vice President told us would destroy us.

Because there is not only a tendency but by some an accepted theory that our own national interests are vitally tied to the welfare of other nations, not only in Europe but in Asia, it becomes increasingly clear from day to day, if we continue to send Air Forces and officers to participate in the Indochina war, as we have, that ultimately, and it might be right soon, our ground forces will be fighting in the jungles of Indochina.

Why is it, that when an overwhelming majority of Americans claim to be peace-loving, to abhor war, to be determined to stay out of war, within the last 37 years, we have 3 times sent our young men more than 3,000 miles from home, and, in some instances from 7,000 to 14,000 miles to fight in wars before we were attacked?

There is something unexplainable in the situation where the most productive, the most powerful, nation from a military standpoint, a peace-loving nation, sends its Armed Forces halfway around the world to participate in a defensive war.

When the young, strong, well-trained individual, loving peace, has repeatedly engaged in brawls four or five blocks from home, he would have difficulty explaining to a jury that on every occasion, he was defending himself.

ADVANTAGES OF A WAR

We have a surplus, not only of products from the farms, not only of the things which grow, but of the things which our factories and shops produce.

We have unemployment growing out of not only overproduction but improved production which requires fewer workers to produce a like quantity of the things which formerly required additional workers.

War will take care of our surplus. War will take care of unemployment. Enlistment and conscription will absorb the unemployment, give us higher wages, higher prices, more of "fool's gold."

PROFITS FROM WAR

To those who engage in production of almost anything or kind, profits would be increased for the few.

Even the casket makers would find improved business, for the dead would have to be brought back from the battlefields abroad.

There would be more money for everyone, for after we had reached the limit of taxation and of borrowing, we could start the printing presses turning it out by the bale.

Oh, sure, war would cure many of our fancied troubles.

But in the end, the welfare of our people would be destroyed; their freedom would be taken from them. This Republic of ours to which the people of every nation throughout the world seek to come, would cease to exist, as has every other nation which followed the policy of attempting to impose its views, its ways, upon all surrounding nations.

Unless the people arouse themselves and make their protests known, we will be in Indochina, and that may be the beginning of the end of this as a free nation.

CHEATING THE UNFORTUNATE, THE NEEDY

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Speaker, it is my purpose under the special order granted me to now speak on another subject.

Health and welfare funds are paid by employers for the benefit of employees and their families, nonunion as well as union. All too often, either because of mismanagement or thievery, those funds are diverted, either because of incompetent management or corrupt practices by individuals.

Usually welfare funds consist of payments in lieu of wage increases. When, in a labor dispute, the demands for an increase in a real wage are not met by management, the bargaining agents of the union fall back upon a demand for a benefit payment. Often, when management has refused to meet a further demand for an increase in the real wage, it will agree to the payment for a fringe benefit. Sometimes that takes the form of shorter working hours, a longer vacation, improved working conditions, and often a cash payment into the health and welfare fund.

So, in the final analysis, while welfare funds are created by employers' payments, in effect they consist of funds which might otherwise be paid to the individual workers through a wage increase.

The point I am trying to make is that health and welfare funds, both legally and morally, belong to and should be administered for the benefit of employees.

It was to emphasize, in part at least, that point, disclose the fact that such funds were maladministered, sometimes stolen, that I appointed a special three-man subcommittee of the House Committee on Government Operations, and persuaded SAMUEL MCCONNELL, chairman of the House Committee on Education and Labor, to appoint a similar subcommittee, of which I was a member.

Another purpose of the subcommittee which was appointed by me was to expose the racketeering and extortion practiced by certain individuals who had attained positions of authority in labor unions.

Those two subcommittees, acting as one, held hearings twice at Detroit, once at Kansas City, the hearings covering but 13 days, and the picture disclosed, as publicized by the press of both cities, was most amazing, as well as revolting.

However, the subcommittee had but barely entered upon its investigations, when, apparently for political reasons, it was liquidated. Later, apparently still having political considerations in mind, and being spurred by a Presidential message, the Committee on Government Operations gave authority to a regular subcommittee to continue a part of the work which our special subcommittee had been doing.

Another committee of the House and a committee of the Senate have also been charged with looking into the maladministration of health and welfare funds.

It is my hope that the Department of Justice and the FBI will carry on and finish the job the special committee it was my privilege to appoint undertook and was doing when liquidated.

The February 1954 issue of The Sign, a national Catholic magazine, and the March 9, 1954, issue of Look magazine carried articles dealing with the situation just referred to. No doubt the Reader's Digest will soon come out with a story on the same subject, for a writer connected with that organization has been given much information dealing with the situation.

In the April issue of Fortune is an article by Daniel Bell entitled "The Scandals in Union Welfare Funds." Much of the information in that article will be found in the hearings held by our special committee.

It might be added that I have introduced two bills, H. R. 7437 and H. R. 7438, the purpose of which is to cause these welfare and pension funds to be administered under the supervision of State authorities, as are fire, accident, health and welfare, life, and endowment insurance.

The Fortune article reads as follows:

THE SCANDALS IN UNION WELFARE FUNDS

(By Daniel Bell)

On August 28, 1953, a 35-year-old labor leader named Tommy Lewis was shot to death in the corridor of his Bronx apartment. Tommy Lewis was only a minor union figure, president of a 5,000-member A. F. of L. building-service local, 32-E, consisting mainly of apartment-house superintendents in the Bronx and racetrack attendants in Yonkers. But the shots exploded a number of scandals. One concerned harness racetracks.[1] Another—still popping—is union welfare funds.

Examination of Lewis' affairs showed that he had been a silent partner in an insurance agency that had mulcted the local's welfare fund and that had received excessive fees and commissions from a dozen other union funds. A New York State investigation, prompted by the Lewis affair, disclosed irregularities in the welfare-fund operations of 20 or more other small unions. In Detroit a subcommittee of the House Labor Committee, headed by Representative WINT SMITH, of Kansas, held hearings on the placement of insurance by the large Chicago electrical and midwestern teamsters union funds. A half-hour hearing on irregularities in the administration of a welfare fund in Minneapolis brought 100 requests for further investigations in that city.

Today management of welfare funds is a national issue. In his January 11 message to Congress on the revision of Taft-Hartley, President Eisenhower asked for stiffer standards for welfare funds, a request that Secretary of Labor Mitchell called the most significant point in the message. In February the House Labor Committee set up a new body to study fund operations. Although these inquiries will deal mainly with labor, management also has much to answer for. Many of the abuses were practiced with the tacit consent of industry trustees. In other situations management simply paid no attention. But ostrich-like behavior, like ignorance, finds no reprieve from economic law, and in the end industry has found itself not only shadowed by bad publicity but saddled with mounting costs.

THE WELFARE FUNDS ARE BIG MONEY

Group insurance in recent years has been one of the phenomenal growth industries in the United States. In 1947 premiums for group accident and health insurance totaled $300 million; by January 1, 1953, the total had risen to $1 billion a year. The volume of group life insurance has increased 80 percent in 5 years, with $64 billion insurance currently in force and annual premiums of $750 million.

This growth is largely a result of union action. During the wage freeze of World War II unions rushed to get fringe benefits, among them group insurance. After the war, unions concentrated on rounds of wage increases, but in the 1948–49 recession the pension issue arose in full force. Management resisted, but the breakthrough occurred after the NLRB ruled in the Inland Steel case that welfare demands were a compulsory bargaining issue. During the Korean war the Wage Stabilization Board again restrained wages but allowed welfare increases on the ground that they were noninflationary, whereupon the number of welfare funds again rose rapidly.

Today 9 to 10 million workers are covered by group insurance through collective bargaining. In New York alone there are an estimated 600 welfare funds insuring 1,115,000 employees and their 1,785,000 dependents. And the number will undoubtedly increase this year. The 15 nonoperating railroad unions are demanding a company-paid health and life insurance package for 1 million workers. The CIO telephone workers are asking a 5-cent-an-hour welfare contribution. Dave McDonald is asking the steel companies to take over the entire cost of the present insurance program (steelworkers now pay about 2½ cents an hour) and to increase the benefits.

There are two types of union welfare payments. One is pensions, handled either by an insurance company or by a fund on a self-insured basis. The other is social insurance, which consists of straight life insurance and of accident and health insurance—i. e., partial wage reimbursements during illness or injury, payments of hospital, medical, and surgical bills, maternity benefits, and the like.

Under the law, welfare payments need not be administered by joint union-management funds unless the union insists on participating. In basic steel, social insurance is handled by the employer, who negotiates directly with an insurance carrier. The welfare-fund arrangement involving a legal joint trusteeship between employer and union is most common where there is multiemployer bargaining in an industry—e. g., among teamsters, electricians, bakery workers, construction workers, etc. In these cases there is considerable advantage in pooling the employees to obtain lower premium costs, simplify administration, and provide continuity of coverage for workers who change jobs.

THE SOURCE OF ABUSE

The abuses occur mostly in the insurance funds,[2] and most often in the arrangements for accident and health insurance. Costs of the latter, unlike costs of life insurance, are not readily predictable. An accident and health insurance estimate will depend upon the size of the group; its age and sex composition (women and older workers are more prone to illness, and women, naturally, will present maternity claims); number of dependents covered; and what types of benefits are wanted (some funds emphasize disability, others surgical benefits, others sickness insurance, depending upon the desires of the members). Because of this wide variability, State insurance departments cannot standardize premiums, as New York State does for life insurance, or commissions, and must depend mostly on the insurance companies to establish fair and going rates.

Here enter the abuses. Insurance companies are often willing to pay high commissions or excessive administrative fees to get new business; these extra charges naturally are reflected in the premium. Since a commission has to be paid, the labor leader or the industry trustee may simply say, "What's wrong with giving it to me?"

Such cases of outright malfeasance are comparatively few. Much more prevalent is plain mismanagement, resulting in unnecessarily high costs. Normally an insurance company will bid a rate based on its premium structure and its risk experience, plus the expected degree of efficiency in handling claims. In the heat of competition for the lush new labor business, however, many companies have offered attractive bargain rates to the funds. In such cases, a fund often has found that the insurance company was simply offering a pig in a poke and, when premiums were too low to cover claims, benefits have had to be cut or rates raised; or the carrier has had to drop the account, leaving the fund to pay the high acquisition costs of a new policy.

Many union leaders and industry trustees have been unaware of the technical factors in judging insurance costs: (1) The relation of gross costs to net costs, i. e., the difference

[1] Investigation disclosed that $160,000 had been paid "to avoid labor trouble" at the Yonkers track. In the chain reaction of the exposés, Long Island labor boss, William De Koning, Sr., was indicted for extortion, Acting Lt. Gov. Arthur H. Wicks was forced out of office, and J. Russel Sprague resigned as GOP committeeman.

[2] Pension funds generally are self-insured, and the problems are largely actuarial—the fund has to build reserves and balance its payments against estimated income—and poor investment. In some instances, e. g., the miners' fund and more recently the retirement fund of the ILGWU cloakmakers, the estimates have been faulty and the funds have had to ask for increased employer contributions.

between the total premium and the money paid out in claims plus the insurance company's retention; (2) the question of what is a fair retention, i. e., the amount of money the insurance company keeps for expense and profit, and how much the company should refund as a retroactive rate credit or dividend; (3) what items of expense should be included in the insurance company's retention, and what functions legitimately belong to the broker and to the fund itself. Only when these questions are answered can a fund define the true cost of a policy.

Many insurance companies, foolishly following a policy of caveat emptor, fail to apprise a fund of all the elements involved. Some employers have taken the myopic view that since the welfare payments were negotiated in lieu of wages, what happens to the money is not their concern; indeed, some union leaders have so insisted. But in the end industry pays, for if benefits are cut or costs rise, a union will increase its demands in order to restore the former standards.

Given the tens of thousands of welfare funds in the United States, the cases of glaring abuse may be few. (For an account of some model funds, see p. 76.) But they cast reflection on both the funds and the insurance companies.

THE "TWISTING" TRICK

Perhaps the most flagrant example of outright spoliation is the depredations of Tommy Lewis. In June 1948, Building Service Local 32–E set up a fund into which employers paid a minimum of $8.50 a month or 5 percent of payroll for 4,000 superintendents and helpers—roughly $400,000 a year. Joseph Teichman of the Bronx Realty Advisory Board, an association of real-estate owners, was named employer trustee; Lewis, the president of the local, cotrustee.

At Lewis' suggestion an agency named Alcor was made the broker. Then the mulcting began. Alcor got 15 percent from Columbian National Life Insurance Co. as commission and service fee on the life insurance, and 12½ percent from American Progressive Health Insurance Co. on the accident and health. In addition, at Lewis' suggestion, Alcor received 15 percent from the welfare fund as a service fee for collecting premiums, administering claims, etc. On top of all that, the fund was billed for the salaries of two extra employees who kept local 32-E's books.

Alcor did not miss a trick. Since commissions are scaled down after the first year, Alcor switched insurance companies (a gimmick known in the trade as "twisting") and made an additional $6,337 in commissions. The new policyholder was Mutual of Omaha and its subsidiary, Companion Life, one of whose directors is William Bleakley, a Republican power in New York, a large stockholder in the Yonkers Raceway, and sometime counsel to Local 32–E. In another finesse the mutuel clerks at the Yonkers Raceway were taken out of the master group and a new policy written for them, allowing first-year commissions to be paid anew.

Teichman, the employer trustee, assented to all this. He says he was not aware that the Alcor agency had been set up simultaneously with the 32–E welfare fund; that Tommy Lewis, through his wife, was a one-third partner in the agency; that the other two partners, Joseph Pizzo, the Bronx campaign manager for former Mayor Impellitteri (and a labor consultant who had been paid $96,000 by the Yonkers raceway), and Alphonse Corcillo, a 31-year-old former dental student, had no previous experience in the insurance field; that the two bookkeepers whose salaries were billed to the fund were relatives of Lewis.

Nor did Teichman ever challenge the 15 percent service fee or the high commissions. "It was not for me to dictate to Mr. Lewis," he said, since the landlords "had no interest" in what became of the money. The employer trustee possibly was being disingenuous. He admitted he had received a fee of $2,500 from the fund without reporting it to the realty board, had borrowed another $4,000 from Alcor, and together with Pizzo and Corcillo had purchased a building that doubled his investment in a year and a half.

In the 5-year period from June 1948, to May 1953, the employers had paid into the fund a total of $1,479,000, of which $412,600 had gone to Alcor in commissions and service fees. The excess money diverted to Alcor would have doubled the employees' life and disability insurance, or provided a 50 percent increase in hospital and surgical benefits.

AN INTERESTING RETENTION

A different sort of case concerns two funds of the Midwest teamsters—the Central States Drivers and the Michigan Conference—which cover 60,000 workers and pay an annual premium of over $8 million. The case, which has jolted the insurance industry, involves the reputation of a small but fast-growing company named Union Casualty & Life and the political fate of Jimmy Hoffa, the agile young vice president of the ever-expanding teamsters' union, who has been touted as the successor to Dave Beck

In January 1950, the Central States Conference of Teamsters, headed by Hoffa, met with industry representatives to set up a welfare fund. At Hoffa's insistence, representatives of the southeastern and southwestern trucking associations were present. Although the latter were loath to join the central-states group in a common welfare fund, fearing this was a step toward their inclusion in a master contract on all bargaining issues, they gave in under pressure. In all, the welfare fund would cover 20,000 teamsters in 22 States from Michigan to Alabama.

As welfare funds go, this was a large one. The agreement called for 3,000 employers initially to pay about $4.25 a month per teamster. Over 40 insurance companies, including the largest in the country, presented bids. Three bids were finally considered: Pacific Mutual, the lowest, with a $3.78 bid and a 7.6 percent retention; Union Casualty, $3.80 bid and 17½ percent retention. and the Bankers Life, $3.853 bid and a 7 percent retention.[3]

Pacific Mutual was ruled out on grounds it had once been in reorganization. Hoffa strongly urged that Union Casualty be given the policy; but the industry representatives were unanimously opposed. They felt the company did not have a good enough rating and, since it was not chartered then to write life insurance, it would have to split that business. At the time it had capital of $200,000 and assets of $768,000.

Union Casualty was founded in 1942 by Dr. Leo Perlman, a Czech émigré with wide insurance experience in Europe, and his financial backer, Alfred Baker Lewis, a New England millionaire who had a long career in the Socialist party and subsequently in ADA. The two owned over 60 percent of the stock; the active figure was, and is, Perlman.

For a number of years the company, licensed in New York, had been marginal. The picture changed radically, however, after Perlman met a Chicago labor leader named Paul Dorfman, who, though only the secretary of an A. F. of L. junk handlers' local, was known as a fixer in the Chicago labor scene and a particular friend of Jimmy Hoffa's. At Dorfman's suggestion, in January, 1949, Perlman set up Dorfman's 26-year-old son Allen as Midwest agent for Union Casualty. Subsequently, with Dorfman, Perlman engaged in considerable entertaining of Hoffa and his friends.

Despite the opposition of the teamsters' employers, Hoffa's influence was enough to swing the welfare fund to Union Casualty.[4] The company had submitted the second-lowest bid, but it had accompanied that bid with an estimated 17.5-percent retention, i. e., the percentage of the premium it could keep for expenses and profit if the claims experience allowed it. The size of this retention, in fact the whole principle of retention, has ignited hot debate throughout the insurance industry. The question of retention is the key to understanding the cost of welfare-fund insurance.

TAKING A GAMBLE

In any policy the premium is the amount paid to the insurance company to cover the estimated claims for the stipulated benefits (plus expenses and profits), and the costs of getting the business (including commissions, handling of claims, overhead, taxes, contingency reserves, and profit). If the money paid out on claims plus the amount of retention runs lower than the premium, the difference usually is refunded to the insured as a retroactive rate credit or dividend.[5] Thus, if a group premium runs, say, to $1 million a year, and the insurance company estimates its retention at 10 percent, and if the benefits run to $800,000, the insurance company will retain $100,000 (10 percent) and return $100,000 as a dividend. If the benefit claims run higher, say to $950,000, then the insurance company retains only $50,000, and the fund gets no dividend.

Perlman, like some other insurance men, argues against the retention principle, claiming that it leads to the elimination of insurance, or risk taking. If retentions are specified and surpluses are returned, he says, the size of the premium in the long run simply averages out to the total claims payments plus the insurance company's administrative costs. That being so, a large fund would be well advised to self-insure, and so save Federal taxes on premiums. Perlman has advocated instead a "true insurance bid" whereby a carrier would make the lowest bid it could, based on its experience in judging risks, and gamble on the result. If the carrier guessed well, it would be entitled to the profit; if not, it would assume the loss; meanwhile, the premium holder would obtain benefits at a low bid. In the teamsters' case, says Perlman, Union Casualty gave a retention figure because it was asked to.

PAYING THE PIPER

The trouble with that argument, says Martin Segal, a New York consultant who has set up about 450 reputable funds throughout the country, is that no insurance company will stay long with a policy on which it is consistently losing money. Hence, if a carrier makes a low bid and underestimates the claim ratio, the carrier must cut benefits, increase premiums, or give up the policy. The fund, turning to a new carrier, would not only have to pay a higher premium, based on its past record, but would have to pay the high first-year commissions as well. "Switching insurance companies," says Segal, "is like changing taxis every mile; you pay the high charge on the first fraction of the mile and lose the lower average costs of staying in one cab."

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[3] Other bids included Union Labor Life at $4.21, Occidental Life at $4.32, Equitable Life at $4.49, John Hancock at $4.50, with retentions of 6.75 to 11.5 percent. The bids were for coverage on the teamster alone. In 1951 dependency coverage for the teamster's family was added, bringing the employer payment to $8.65 a month.

[4] Except for one Chicago local, which chose Occidental because, as Congressman HOFFMAN suggested, its business manager was getting a cozy deal out of it.

[5] Mutual companies declare dividends; stock companies give retroactive rate credits.

Only by requiring a retention, says Segal, and forcing a company to specify the details of the retention (i. e., size of commissions, administrative expenses, etc.) can a fund keep a detailed check of costs. If a high retention is charged, he concludes, it is either a means of recouping on a low bid or a means of absorbing large commissions.

SKIDDING ON THE CLAIMS

The experience of the Central States fund with Union Casualty strikingly confirms this analysis. (In the table below is the record of 4 years' operation, ending in March 1954.)

Four years' experience of Central States fund

Premium	Claims	Return to fund	Retention	Percent retention
$970,000	$564,000	$236,000	$170,000	17.5
1,722,000	1,401,000	20,000	301,000	17.5
4,743,000	4,182,000	None	561,000	11.8
5,496,000	5,513,000	None	(−16,000)	(−.3)

In the first 2 years Union Casualty made comparatively huge profits. If the Bankers Life bid had been accepted at a 7 percent retention, an additional $100,000 would have been returned to the fund in each of the first 2 years, about $20,000 in the third year—and Bankers Life would still have made a respectable profit.

In the third and fourth year, as dependency coverage came into effect, the claims rose sharply. While the loss ratio for members was running at 80 percent, that for the wives and children ran considerably higher, resulting in the fourth year in a net loss. Accordingly, Union Casualty, in the third year, increased its premiums 10 cents a month per person and reduced benefits. Faced with a net loss in the fourth year, Union Casualty indicated it would again have to increase premiums or reduce benefits. Moreover, as a result of the loss in the 1952–53 policy years, Union Casualty has become involved in a messy court suit with U. S. Life Insurance Co., which had reinsured 75 percent of the risk.[6]

The experience of the other Hoffa fund, the Michigan conference of teamsters, is similar. (Whereas the Central States contract covered over-the-road drivers, the Michigan conference of teamsters, about 20,000 members, covered intracity drivers in Michigan.) After the Central States fund picked Union Casualty, the Michigan conference swung into line, although it had previously insured its welfare fund with another carrier. There was little discussion of this change with the industry trustees. The industry trustees were not even told about the 17.5 percent retention.

In 3 years Union Casualty's retention averaged 10.7 percent. Despite this favorable experience, Union Casualty increased its rate 15 cents on the teamster coverage and 10 cents on the dependents, while reducing benefits. And although in most fund operations the retention begins to decline as initial acquisition costs and commissions decline, in this fund the retention rose in the third year from 9.1 to 12.7 percent as the claim ratio decreased. Either the company was seeking to make up some of the expected retention of the previous year, or some high commissions were being maintained. The latter seems to have been the case.

THE RISING COMMISSIONS

One of the unexplained questions about the two funds concerns the extraordinary commissions paid to the Dorfman agency, formally named the Union Insurance Agency of Illinois. In both funds the industry trustees understood that no commissions would be paid, since the negotiations had been conducted directly with Union Casualty; yet, at the suggestion of the union trustees, the Dorfman agency was named broker.

From the Central States Fund the Dorfman agency received an annual commission of 5 percent, from the other an average of 4.75 percent. Yet standard rates for group insurance, used by one of the large companies, indicates that on premiums between $350,000 and $2 million the graded commission would be one-half of 1 percent the first year, dropping to one-quarter of 1 percent in subsequent years.

Union Casualty has stated that the money paid Dorfman covers not only commissions but a service fee for handling claims. But the Dorfman agency does not do all the administrative work, since the Central States Fund audits collections from employers and this expense is charged to the fund. A number of questions remain: (1) Why is the service fee so large, since most companies allow at most only 1 or 2 percent for self-administration of claims? (2) Why didn't commissions decline after the first year? (3) If the major costs of the policy are handled by Dorfman at 5 percent, what services is Union Casualty supplying for the other 12.5 percent it is permitted to retain?

The real reason for the large commission is that Dorfman and his connections made Union Casualty Co. In 1948 the company wrote direct premiums of $1,460,000. In 1952 these had risen to $8,900,000, of which $6,850,000 (or 77 percent) came from 3 large funds that were brought in by Dorfman. Two were the teamster funds of Jimmy Hoffa, the other the Chicago electrical-industry fund of Frank Darling and local 1031 of the A. F. of L. Brotherhood of Electrical Workers, on which Dorfman collected 15 percent commission and service fees. From October 1949 until June 1953, Dorfman received $1,016,500 in commissions and fees from these 3 funds.

On the stand before the House committee headed by Congressman SMITH, Allen Dorfman refused, on grounds of the fifth amendment, to answer any financial questions. The committee sought, but did not get, an accounting of $101,000 withdrawn by Dorfman from his agency's bank account with no record of the disbursements.

INVESTMENT FOR LIFE

Not only was Hoffa able to give the teamster business to Dorfman but he was able to intertwine the Michigan Welfare Fund with Union Casualty Co.—and not one trustee dared say no. In August 1951, the Michigan Conference Fund bought $250,000 of preferred stock in Union Casualty at $50 a share. Why should the Michigan Fund—a euphemism for Hoffa—invest in a small casualty company? On the surface the investment seemed good since it was guaranteed at 5 percent return. But twice in the last 2 years the New York State Insurance Department has prohibited dividend payments on the ground that the company earnings did not warrant them.

The explanation of Hoffa's move seems to be that Union Casualty needed capital for expansion. Until it got the teamster policies, Union Casualty was chartered only to write group-health policies, and the life insurance was subcontracted to other companies. But with such large customers in hand, Union Casualty decided to enter the life-insurance field, and when the New York State Insurance Department ruled that it needed the additional capital, Hoffa supplied it.

FRIENDS AND ENEMIES

Why has Hoffa had his way so easily with the trucking industry? The answer is that the economic power of the teamsters is so great, and trucking such a hard, competitive operation, the employees need to curry Hoffa's favor. Willias J. McCarthy, a negotiator for 4 years for a Midwest trucking association, was unceremoniously dropped after he bucked Hoffa on the Central States Welfare Fund.

On the other hand, Hoffa's relations with some trucking groups and their lawyers are extremely close. Carney D. Matheson, who negotiates across the table from Hoffa as attorney for the Motor Carriers Employers Association of Michigan and other groups was a stockholder with Hoffa in a Flint brewery organized by George Fitzgerald, the teamsters' attorney. Matheson was also a stockholder with Hoffa and Hoffa's aide Owen Brennan, in the Terminal Realty Co., which dealt in trucking sites. Matheson's brother Albert, a member of his law firm, set up something called National Equipment Co., which was owned by the wives of Hoffa and Brennan, as were two other trucking companies.

The National Equipment Co. and its successor, the Test Fleet Corp., played a large role in Hoffa's expanding personal finances. In 1949, after Hoffa had intervened to halt a strike against the Commercial Carriers Corp., the Test Fleet Corp. bought 10 trailer trucks from Commercial Carriers for a down-payment of $4,900 and immediately leased the trucks back to Commercial Carriers for $70,000 rent. In 4 years the Test Fleet Corp. (which employed only one man, who was also an employee of Commercial Carriers) paid out $65,000 to Josephine Pozywak and Alice Johnson, the maiden names of Mrs. Hoffa and Mrs. Brennan. Periodically Mrs. Hoffa or Mrs. Brennan would instruct the employee to call a dummy board of directors for a dividend.

Hoffa, who had a reported income of $30,000 a year, has financial interests that are also intertwined with the Dorfmans and Dr. Periman. Hoffa and Brennan invested $3,500 each in the Joll Properties, a holding company for a lodge and girls' camp operated by Dorfman in the Wisconsin north country. The property, which also borrowed $11,000 from the Dorfman agency, is worth about $90,000. Hoffa and Brennan, together with Allen Dorfman and Dr. Periman, put up $10,000 each in Northwestern Oil Co., of North Dakota, which is engaged in buying and selling leases.

CADILLAC LIVING

"Just because I am in a union, do they want me to go around in baggy pants, drive a $3 car, and live in a $4 house?" Hoffa once complained. He does neither. Hoffa dresses nattily, lives in a comfortable house, drives a Cadillac. So for that matter do the 12 business agents of Hoffa's local, which owns the cars and trades them in each year. The teamsters, says Hoffa, want the business agents (who get $260 a week plus expenses) to drive these flashy cars for prestige.

In recent months Dave Beck has made some loud noises about ending abuses in the teamsters' union. Whether Hoffa comes under the definition is a question that Beck will have to answer.[7] Beck was put into office with the aid of Hoffa. At the last teamster convention a sizable minority, led by the New York group, was ready to oppose Beck and asked Hoffa to join them. Had he done so, it is quite likely that Dan Tobin would have seized the occasion of a floor fight as a pretext for remaining in power another 4 years, thus thwarting Beck's chafing ambition. Beck has rewarded Hoffa handsomely for backing him. He made him

[6] Union Casualty is seeking $221,000, which it alleges is U. S. Life's share of the claims loss. In a counterclaim, U. S. Life is asking over $289,000, alleging a premium deficiency. It claims Union Casualty failed to remit the proper premiums when Union Casualty took over the entire coverage.

[7] Apart from the welfare funds, Hoffa may also have to answer why the heads of the Detroit and Pontiac locals under his jurisdiction were able to shake down hauling contractors and why Detroit local 985 was permitted to practice extortion on jukebox operators.

head of an enlarged Midwestern conference of teamsters, with a combined membership of 400,000. In the past year Hoffa has become the strongest individual in the teamsters' union, outside Beck's own entourage. But if Beck now wants to cut Hoffa down, he has the perfect occasion.

While many labor officials publicly deplore the notoriety that a number of union funds have attracted, privately they take a cynical view, professing to regard the accusations as sham morality. "Why pick on Union Casualty?" said one. "All the insurance companies cut such corners if they can."

"There's nothing unusual about kickbacks," snorts Sid Lens, the manager of an aggressive building-service local in Chicago and author of Left, Right, and Center, an exposé of Communists and racketeers in labor. "Business executives also get kickbacks from insurance companies. They always make offers of gifts for big deals. I've been offered such gifts." Lens' local insures its members through Blue Cross. "So far as I know, no one has ever been offered anything by Blue Cross for business," Lens said.

YOU'RE ANOTHER

While labor leaders privately use the "you too" argument, the fact remains that the lack of regulation has allowed unethical labor leaders and others a free hand. (This is especially true of small "racket locals," particularly in the teamsters.) For their part the large insurance companies, even the most respectable, have accepted the tainted business with outstretched hands and closed eyes. Investigations by the New York City Anti-Crime Committee disclosed these examples:

In New York the Cardinal Agency in 3 years was grossing $295,000 in commissions from 20 small union accounts.[8] Cardinal was organized in 1950 by 25-year-old John De Feo, who had had no previous experience in insurance. Cardinal's accounts included: Teamster Local 816, headed by Marty Lacey, the ham-handed boss of the New York Central Trades and Labor Council; the New York City Carpenters Council, headed by Charles Johnson, who got a $35,700 payoff from Yonkers Raceway for settling a labor dispute in 1950; Local 102 of the U. A. W.-A. F. of L., run by convicted extortionist Johnny Dio.

De Feo is now appealing a 60-day sentence for contempt for his inability to remember how he spent $107,000 (60 percent of the agency's receipts in 1952) for travel, entertainment, and promotion. The accounts were insured by Eastern Casualty, United Benefit, John Hancock, Mutual Benefit, Companion Life, and U. S. Life.

In New Jersey a number of unions—liquor and distillery, A. F. of L. retail clerks, A. F. of L. laundry workers—generally believed to be under the influence of Abner (Longy) Zwillman, oldtime bootlegger, insure through the Saperstein Agency. The insurance was handled by Security Mutual Insurance Co. of Binghamton, N. Y., which paid Saperstein 15 percent commissions. Saperstein was in danger last month of having his license suspended by the New York State Insurance Department for refusal to answer questions.

[8] One neat insurance-company trick to provide brokers with high commissions is to hold the grade on the commission scale. Under most commission arrangements, a broker will get 20 percent of the first $1,000 in premiums, 10 percent of the next $10,000, 5 percent of the next $50,000, 2 percent of the next $100,000, down to, in most reputable companies, as little as one-tenth of 1 percent for premiums over $2 million. A company seeking to pay a high commission will grade down to only $50,000 and pay 5 percent on all premiums above that sum.

FINGER IN THE PIE

Often the problem is not racketeering, but simple human frailty. Such frailties have had disruptive effects on union operations. The Firestone locals of the rubber workers provide a case in point.

Until 1949 the rubber union was not directly involved in insurance. The rubber company contributed $1 a month, the workers paid an average of $1 a week by payroll deduction, and the company insured directly with Prudential Insurance Co. But the workers complained that the premium was too high.

In the 1949 and 1950 negotiations, welfare became a large issue, and after considerable haggling the responsibilities were divided. The company thereafter paid for $4,000 worth of life insurance, while the local union took over the accident and health policies.

The bidding for the local's business among the various insurance companies was intense. Bitter fighting developed in the union, and the bargaining committee split wide open over the choice of a carrier. Each member accused the others of ulterior motives.

One group in the companywide bargaining committee, led by Isaac Watson, president of Akron Local 7, with perhaps 10,000 of the 23,000 workers in the Firestone division, insisted on John Hancock. Another group, led by Herschell Hammon of the California local, insisted on Occidental. The two compromised, with Watson taking about 14,000 members into Hancock, and Hammon taking 9,000 into Occidental.

This was only the beginning. With the local's approval, Watson gave up the presidency and became an agent for John Hancock in Akron, at $9,000 a year. One of his supporters, Kermit Hall, replaced him as head of the local. The John Hancock agency rented office space in the local union hall, and Watson, as insurance director of the local, was installed to handle claims.

In May 1952 Kermit Hall was defeated for the presidency and a new incumbent, C. F. Richmond, was elected. The new administration was unhappy with the John Hancock Co., and in February 1953 when Hancock asked for a second increase in premiums because of unfavorable past experience, the local, with some 450 of the 10,000 members present, voted to switch to the Farm Bureau Insurance Co. Hall and some of his followers filed suit to bar the change. After a considerable hassle the suit was withdrawn and the change in companies was made. Hall and 10 others were suspended by the rubber workers' executive board for up to a year, for going to court before exhausting the union's constitutional remedies. Hall in turn sued the international union for $10,000 damages, a suit that was dismissed in December 1953. After the switch Watson left his job with John Hancock and got a job on the union's international staff.

The California experience was equally tragicomic. The post of union insurance director became a patronage issue, members charged the local with discriminating on claims, and finally, because the loss ratio was high, Occidental asked for a sharp increase in premiums. When it was refused, Occidental gave up the account.

By 1953 a good portion of the parent union's time was being spent in assessing the numerous charges and countercharges over insurance. To save the union from being torn apart, L. S. Buckmaster, scholarly president of the rubber workers' union, persuaded the rubber companies to take over the program completely. All local unions were ordered out of the insurance field. Under the present arrangement the union negotiates the benefits it wants, the rubber companies pay the entire cost, and administration is completely in company hands.

"YOU ARE TEMPTATION"

"It may be," said one labor leader unhappily, "that welfare funds were the worst thing that ever happened to union leaders. Few of them are St. Anthonys, and the temptations are hard to resist. Many of them, particularly in small unions, worked long years at low salaries, and saw men less talented than they make money in business; after a while they felt that they, too, were entitled to some reward, so they took commissions. How many got a cut is difficult to know. In a lot of cases a labor leader did not pocket the money but used it for expenses that he didn't want to account for on the union books—expenses like 'shmearing' a cop during a strike, or contributing to political campaigns."

In one case, that of the Seafarers' International Union Atlantic District, headed by Paul Hall, the welfare fund was used to underwrite the regular union expenses when dues began to fall as employment declined. This was done with the consent of the industry trustees, but since it was a technical violation of Taft-Hartley, it was done by bookkeeping disguise—e. g., by charging the welfare fund large rent for space in the union hall, putting officers on the fund's payrolls, etc.

As for reform, the A. F. of L. executive council has requested its affiliates to set up uniform rules and standards. The teamsters' union has decided to centralize control over local funds. And even that old autocrat, Marty Lacey, head of the New York central labor body, whose own welfare fund has been under scrutiny, has piously set up a public body to investigate local funds.

Actually, a little detailed regulation is needed. A spotlight of publicity will keep any fund up to the mark. If each fund were required to publish a breakdown of its administrative costs, and each insurance company to publish its retentions and specify the commissions paid, many of the abuses would vanish. Moreover, a fund should be able to place its business directly with an insurance company, without commissions being paid. Beyond this, it is management's prime responsibility, since it is management that bears the cost, to see that a fund is run efficiently.

EXTENSION OF REMARKS

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There w :s no objection.

Mr. O'HARA of Illinois. Mr. Speaker, the precarious economic condition of the country places upon the Members of the Congress a grave responsibility. If either excessive optimism or excessive pessimism gains the upper hand, the situation will get completely out of control. Nothing will bring on the depression faster than the talk of peaches and cream in a land of plenty when people who are out of employment and unable to find new jobs know that as far as they are concerned it just is not the fact.

I am reading a letter I received today—one of many of similar tone coming to me in increasing number:

We are getting desperate. There is no work any place right now. Many have been laid off, including those with long seniority rights. It is impossible to find new jobs. Our savings are about used up. We cannot go on much further. Please, Mr. Congressman, don't fool us. What are the chances of things picking up?

I wish I could answer the letter of my constituent with good tidings. I hope things will right; everyone does. But they will not until the administration proceeds on the acknowledgment that times are tough and does something about it.

The Northern Trust Co. is one of the most conservative banking institutions in Chicago, indeed in the entire Middle Western area. In the April issue of Business Comment, the official publication of the Northern Trust, this conservative bank knocks into a cocked hat the claim that the savings of the American people are sufficient to furnish buying power to replace for a long time the loss of current income.

It is not a bright economic picture presented by the Northern Trust as reported on the financial page of the Chicago Tribune of April 6, 1954. I am extending my remarks to include excerpts from the Tribune article, as follows:

The Northern Trust Co. yesterday described the financial condition of the American consumer as one of the riddles of the current economic picture.

The bank estimated that total individual liquid assets, including those held by trust funds and unincorporated businesses, now must amount to at least $225 billion, the equivalent of a full year's spending by consumers on goods and services.

* * * * *

If liquid assets and debt were distributed evenly the consuming public would be in position to weather a severe decline in incomes, the bank asserted. However, such is not the case, it added.

Recent surveys show that liquid assets are more evenly distributed by income groups than is debt. In terms of dollar amounts, liquid assets are highly concentrated with 30 percent of the families holding 90 percent of the total.

Although a large number of persons hold some liquid assets, the banks said most holdings are small and cannot be counted on as a major support to buying power when incomes fall.

HOUR OF MEETING TOMORROW

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, after discussing the matter with the minority leaders and learning that a number on that side have to leave by 3 o'clock tomorrow, I have arranged to come in at 11 in the morning.

I have also been importuned by many of the members of the Committee on Post Office and Civil Service and others who want to attend a luncheon downtown in connection with some new stamp that is being issued.

My impression is that this vote would not come until they have an opportunity to get back here. I may say I am beset by trying to adjust matters for the convenience of all Members. There is a bill from the Committee on Post Office and Civil Service that I had arranged to call after some of these other matters, so that people going to that luncheon could be here when the bill is called. The way the matter looks, I would be inclined to believe that those Members who want to go to that luncheon could get back here in time to vote on this bill.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman from Iowa.

Mr. GROSS. Then it is not proposed to take up H. R. 2556 tomorrow?

Mr. HALLECK. Which bill is that?

Mr. GROSS. That is the bill that would shanghai Americans and try them in foreign courts.

Mr. HALLECK. Yes. That bill will come up tomorrow. There is a bill from the Post Office Committee and 1 or 2 from the Judiciary Committee that have been on notice and are scheduled for action this week.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield.

Mr. HOFFMAN of Michigan. I see the chairman of the Labor Committee is here. They were going to meet tomorrow morning to vote on certain matters that are of importance. The gentleman from Ohio [Mr. BENDER] has a 9-man committee that is going up to Minneapolis on this racketeering business tomorrow at 5. Some of us want to be here to vote on some of these things. I cannot help the gentleman but I want him to know that we are interested in it.

Mr. HALLECK. You remind me that it is quite a problem. It certainly is to try to adjust the program to meet the convenience of all Members. I know the chairmen of certain committees sometimes are disappointed when we come in early.

I ask unanimous consent, Mr. Speaker, that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

WIRETAPPING

Mr. KING of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. KING of California. Mr. Speaker, the most important job Congress had to do with respect to wiretapping is to decide upon policy for the future. In determining that policy, the accent should not be upon permitting wiretapping, but upon prohibiting it. The bill should go to the prohibition first, and make it tight; and then go to the question of an exemption in the case of a duly authorized law-enforcement officer engaged in the investigation of offenses involving the internal security of the United States.

That is the only exception the bill should permit, and even in that case, where the internal security of the Nation is involved and the wiretapping is to be done by a duly authorized law-enforcement officer, the bill should require a certification by the Attorney General that wiretapping is necessary. The Attorney General's certificate would then be presented to a Federal judge, who would have authority to require such evidence as might be necessary to convince him also that there was reasonable ground to believe the particular wiretap proposed would result in the procurement of evidence of the commission of a crime involving the internal security of the United States. When so convinced, the judge would approve an order permitting the wiretapping during a period of not to exceed 6 months.

These provisions throw around the subject of wiretapping the kind of safeguards to personal privacy which should have been set up long ago.

Perhaps there will be those who will be surprised to learn that we do not have and have never had in this country any Federal statute against wiretapping. There is a provision in the Communications Act designed to prohibit the disclosure of information obtained by wiretapping, but it is not illegal today for any person to tap the telephone wire of another person, if he keeps to himself the information he obtains by listening in. This is really an intolerable situation, and one which should be corrected.

OUTLAW THE COMMUNIST PARTY

Mr. KING of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. KING of California. Mr. Speaker, having had the privilege and honor of introducing the only bill in the 1st session of the 83d Congress to outlaw the Communist Party, I am gratified to see concurring legislation being introduced by my colleagues this second session in support of my stand to outlaw this menace from our society.

A resolution has recently been adopted by the California State Assembly petitioning and urging that the Congress of the United States immediately enact legislation to outlaw the Communist Party in the United States. Similar resolutions have been adopted by the executive committee of the American Legion of California and by the Los Angeles City Council and many other public and private bodies.

All of us recognize the fact that the Communist conspiracy represents a dangerous and calculated attack on our national security. To understand the true nature and motives of those who flourish under the banner of the Communist Party of the United States, and in order not to confuse the aims of this group as in any way being a movement deserving the protection of the Bill of Rights, we should remember that the Communists in the United States are not members of a political party seeking to establish a new form of government of, for, and by the people of the United States, but rather a revolutionary conspiracy directed by and in the interest of a foreign government.

Because Communists are individually and collectively a group plotting against our American way of life, the time has arrived for Congress to take positive action and label Communists and other subversives as criminals who would seek to destroy our Government by force and violence.

COMMUNIST UNDERGROUND

Mr. Speaker, there will, of course, be arguments against such a law, the chief of which seems to be that it would drive the Communists underground. With study, however, this will be found to be an argument without substantial validity, for the Communist Party of the United States is already an underground organization, and has been through the years.

Mr. J. Edgar Hoover, Director of the FBI, in testifying before the House Appropriations Committee, stated that the Communists have gone underground and that today it takes as many as 9 or 10 FBI agents to keep surveillance over one suspected Communist, when before the job could be handled by one man. Mr. Hoover further testified that the Communist leaders have imposed tight new security procedures. Membership cards are no longer issued; records are destroyed; groups are limited to from 3 to 5 members; telephone and telegraph are avoided; false drivers' licenses have been obtained and names have been changed. This revelation should certainly prove that the conclusion of driving them underground is an absurdity.

BILL OF RIGHTS GUARANTEES FREEDOM

Another argument that may be heard against my bill from some quarters is that it would be an abridgment of our constitutional liberties, but this too, will be found to be invalid. Our Constitution and the Bill of Rights does not guarantee the right of espionage or sabotage, or the right to disrupt our freedoms in the service of a dictatorship which denies all freedoms.

The Communists in the United States are not members of a political party. On the contrary, they are members of an organization banded together in a conspiracy against our form of government, with the sole aim of destroying free institutions and overthrowing the very form of government that protects such institutions. For the past decade our domestic tranquillity, the insurance of which was called for in the preamble of the Constitution of the United States, has continually been upset by the Moscow-controlled order that has flourished in our midst under the guise of a political party.

It has become more and more evident in recent years that the Red conspiracy prevailing on our home front, which hides behind the very laws it seeks to abolish, may prove more dangerous than an armed foe.

The Communist growth is an insidious thing. Its tentacles have pushed its fifth column into many places. Places of authority designed to intimidate and stamp out those who oppose it. The Communist infiltration would smother and distort our constitutional guaranty of freedom.

OUR BASIC FREEDOMS

Here in the United States we have freedom of religion. No agent of the Government, nor anyone else can compel another to violate or abandon his conscience in reference to the right to worship God in accordance with his beliefs. We have freedom from tyranny, for every person is guaranteed a speedy public trial by jury in case he is charged with or prosecuted for some crime of which he is innocent or guilty. We have freedom in our homes. Our home or our property cannot be seized or searched without a lawful warrant. We have freedom to read what we please, and the right to a free press permits us to read free from dictatorial rule. The right of a free press and free speech is dedicated to the people to the end that there will be an informed public opinion.

We have freedom to criticize or commend our Government. There is no free speech if we cannot criticize our Government and those whom we elect to represent us. We can condemn or we can praise our Government; but, we cannot subscribe to its overthrow by force or violence, or give aid or comfort to its enemies. We have the freedom of free elections and our political liberty means a free choice to vote for whomever we please for any office by secret ballot at all public elections. We have freedom from unjust working conditions subject to individual desire and effort. In short, American democracy spells out political, economic, and ethical freedom.

RUSSIAN COMMUNISM

Russia's Communist bill of rights reverses the cherished institutions of freedom maintained in American democracy. In Russia's brand of communistic world government, the official religion is atheism. Hence, there is no religious liberty, nor any religion within the American concept. There is no religion but the dictator's prescribed dogma, and he, with his weird conscience, is the people's prophet. There is no free speech or press in Communist countries. There is no freedom in what you read. What is said by the press of Russia is the voice of the Kremlin. There is no free speech, for a spoken or written criticism of the government is treason.

There is no right to petition the government for the protection of personal or property rights. There is no trial by jury. There is no law requiring a speedy and public trial of the accused. No kind of torture or other cruel or unusual punishment is prohibited by law. Your home is not your castle—it belongs to the dictator. There is no freedom from searches and seizures. No free elections nor secret ballot. No freedom of public meeting in Communist countries. In short, communism is a government by one man, a dictator, who directly and indirectly makes all laws and decides all questions, be they based upon economic activity, social morality, or political philosophy.

This is what the Communist conspiracy would trade and attempt by force and violence to force on the American people.

UNITED STATES SUPREME COURT SPEAKS

Mr. Speaker, the Supreme Court of the United States has now determined that:

The Communist Party advocated and the general goal of the party was to achieve a successful overthrow of the existing order by force and violence.

The lack of such a determination has heretofore been a legal obstacle to legislation calling for the outlawing of the Communist Party. Congress now has the duty and the right by its inherent power under the Constitution for self-preservation, to outlaw the Communist Party and brand its members as criminals and traitors.

Our Constitution and Bill of Rights, and all that it stands for, will always apply to citizens who cherish the freedoms of our beloved country. But, who among us can deny that Communists in the United States are a dangerous menace to these basic American freedoms?

Under current loyalty-security regulations today, a Communist, or a former Communist, is precluded from holding a Federal job, but a Communist can legally run for the Office of President of the United States. Such an anomaly should certainly be eliminated.

The world struggle in which we are now engaged, is between freedom for the individual in the democracies and enslavement of the human soul under the Communist dictatorship. We should do all in our power in the way of legislation that will strengthen our internal security, and immediately press for passage of legislation to outlaw the Communist Party in these United States.

IN CONCLUSION

I believe every Member of this House and all loyal Americans of our country believe in the United States of America without reservation. It is our home, our country. It is our hope, our concern. Here we work and rest. Here we build and dream. Here is security for our loved ones. Here our toil is rewarded with an unmatched abundance for our well-being. Here freedom to live, to think, and to worship is ours, guaranteed by law and our Constitution. Here we are part of our Government, able to vote, to serve, and to carry our share of the common load. God grant us wisdom and strength to safeguard our country's welfare with devotion great enough to measure up to her greatness.

MAN AGAINST NATURE

The SPEAKER. Under the previous order of the House the gentleman from Kansas [Mr. MILLER] is recognized for 30 minutes.

Mr. MILLER of Kansas. Mr. Speaker, on the 29th of March of this year, I introduced H. R. 8602 for consideration of the House. The stated purpose of this bill is, and I quote:

To improve the credit services available to farmers seeking to adopt soil- and water-conserving systems of farming, contributing toward development of a permanently and abundantly productive American agriculture.

More than 8,000 bills had been dropped into the hopper of this House ahead of

this one, and yet I feel this to be one of the most important bills to be introduced. It is my purpose, on this occasion, to discuss the necessity of soil conservation from an historical standpoint, leaving the more concrete matters for a later time.

I think that we can agree that the chief concern of any people is that of making a living. This was the problem of our ancestors as they roamed the forests, living in treetops and later in caves through milleniums, we know not how many.

In this age of so-called civilization there are many important problems. The form of government is of great importance. The enforcement of law is of primary importance. The tax system is important. But before and underlying all these questions is the problem of obtaining the wherewithal just to live, the problem of obtaining food, clothing, and shelter. The great questions that confront every individual are, and always have been, how shall I get my daily bread and wherewithal shall I be clothed. They are the age-old questions: Where shall we get shelter from the storm, and how shall we procure food for our stomachs and clothing for our bodies? Food, clothing, shelter—these were the great question marks that confronted our ancestors countless generations before even the beginning of what we call civilization. During all those ages, there was the constant problem of how to eke out a living from the fruits and berries that grew wild on the outskirts of the forest, and how to trap or ensnare wild animals to be used for food and raiment.

For long ages, it was an open contest; and it was anybody's guess as to whether the tooth and claw of the cave bear and the saber-toothed tiger, or the club and cunning of the naked savage were to win out in that ruthless struggle. But the savage biped, using the greater brain with which nature had endowed him, invented the stone ax, the sling, the spear, and, by banding together, he finally drove the bear from his cave and frightened the tiger from preying upon his women and children. That was the beginning of man's upward climb. That was when, weapon in hand, man first began to heed what he later conceived to be the command of God, "Go out into the world and subdue it." But that was only a beginning of man's upward climb. It was one thing to prevent becoming the meal ticket for the wild beast—and at that time they were all wild—it was another thing to wring a living from the hard and cruel hand of Mother Nature. Imagine the dilemma of the male and female of the genus homo as they suddenly found a crying youngster that God had given them—for so they reasoned—to add to their burden of finding food and clothing for themselves. The only answer was to find more fruit and berries and to trap or run down more wild animals.

These were the trials of our ancestors as they roamed the forests, lived in trees and caves through millenniums. But slowly the two-footed animal with the oddly shaped head had overcome his chief enemy. By means of gray matter in the forepart of his cranium, he had outwitted the beasts so that every animal in the jungle came to fear him. Now he dared to come down from the treetop, and, by banding together, he could roam at will in search of food.

Times were somewhat better now. Yet the lot of early man was a hard one. Nature in the raw was a hard master. Few of the plants produced fruits that could be used as food. Many of the animals were too swift to be overtaken, too fierce to kill, too cunning to be trapped. Unable to build shelter, he was forced to keep mostly within the warmer climate. All these factors kept the race of man limited in number, and confined to small areas, because, as yet, no one had discovered how to plant seed to produce grain and fiber for food and clothing. But the time came when, by some accident, someone—I suppose it was a woman—discovered that plants grow from seed, and that discovery was the beginning of the science of agriculture. It was also the beginning of civilization. Not until man learned to produce food in greater abundance than was furnished by nature could he find time to think and consequently to advance. Up to that time, he had made little progress. The result was that the greater part of the earth was uninhabited save by the few who could subsist in this manner and that in a very limited area. The greater part of the earth was uninhabited by man.

The great increase in population of the world in the last 10,000 years was made possible because man had learned how to till the soil and thereby to produce a greater abundance of food than was produced by nature. It was cultivation of the soil that made possible the ancient kingdoms of Babylon and Egypt, the two cradles of civilization. It was the production of wheat and barley and fruits and vegetables in the valleys of the Nile and the Euphrates; it was the cultivation of the plains of Sudan and Mesopotamia that made possible those flourishing civilizations of which the pyramids of Egypt and the Hanging Gardens of Babylon were the historic symbols. And when the once fertile soil of the Sudan, long known as the granary of the world, was washed into the Nile River and on into the Mediterranean; when the rich soil of the plains of Mesopotamia was washed into the Tigres and Euphrates and on into the Persian Gulf, then and only then did these mighty empires vanish from the earth. No nation can survive the loss of its life-growing soil, and, Mr. Speaker, if we permit the rich soil of the Missouri, the Ohio, the Mississippi River valleys to be washed into the Gulf of Mexico, as the soil of the Sudan and of Mesopotamia was washed into the sea, there is no power under Heaven to prevent this Nation from going the way of Egypt and Babylon.

Mr. BAILEY. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Kansas. I yield to the gentleman from West Virginia.

Mr. BAILEY. I am wondering if the gentleman is thoroughly familiar with the new program that is being launched by the Department of Agriculture, and I feel sure he is, to provide a plan for upstream development of water conservation, flood control and reforestation? I would like to know if the gentleman is in support of that program?

Mr. MILLER of Kansas. In answer to that question, may I say that I am thoroughly familiar with that program and I am in hearty sympathy with it.

Mr. BAILEY. Mr. Speaker, at this time I want to compliment the gentleman from Kansas for his presentation, coming, as he does, from one of our leading agricultural States and being one of his State's outstanding farmers. I regret that when the gentleman came to the 83d Congress there was no place for him on the Committee on Agriculture. That is where the gentleman is best able to serve his people in the Congress of the United States, and I sincerely hope that when he returns to the 84th Congress there will be some place for him where he can render great service to the agricultural interests of the Nation and his State.

Mr. MILLER of Kansas. I thank the gentleman.

Yes, the plow had to precede the carpenter's hammer, and the sickle went before the mason's trowel. Before there could be cities, there had to be agriculture to produce the food and fiber to feed, clothe, and shelter the people who would inhabit them. The production of food must go hand in hand with every industry, in every land, in every time. Food must be the chief concern of every people. How fortunate is this Nation which, at this time, has only the problem of finding the best way to dispose of surplus food and fiber, whose granaries are bulging with wheat and corn, and whose warehouses are crammed with cotton. That is the enviable situation in which our Nation finds itself, and, unfortunately, it is a situation which cannot long endure. The danger signals are already showing on the horizon in the form of dust storms over several Southwestern States. But these black, dust-laden clouds that herald the movement of soil from one area to another are as nothing to the murky, soil-laden rivers that annually carry the equivalent of 400,000 acres of soil, not from one part of the country to another, but from our fertile fields on into the sea. Think of that dreadful loss—400,000 acres annually devastated, made worthless—and this continuing year after year; enough land destroyed annually by water erosion alone to feed 150,000 people. It is estimated that 35 million acres of our best No. 1 land have already been stripped of their fertile soil. It is further estimated that more than 50 million acres of No. 2 land have also been devastated. That is enough land, Mr. Speaker, to sustain 20 millions of people, enough to feed and clothe all the people of the States of New York and Pennsylvania. And this loss is irreparable. It matters not how great our natural resources, no nation can long endure such a drain.

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Kansas. I yield to the gentleman from Texas.

Mr. POAGE. I think the gentleman from Kansas has been making an excellent address. I think the gentleman from Kansas has been rendering valuable service here for some time, because he gives us a sound, practical viewpoint that I wish more Members would give us. I certainly, therefore, do not rise in any way in criticism, but I would like to call attention to one statement the gentleman just made when he said that this topsoil had been moving from our farms to the sea. Of course, there has been a tremendous amount of topsoil moving to the sea, but unfortunately much of that topsoil that most of us have talked about flowing down the Mississippi and into the gulf and into the ocean actually stops for long periods of time in every dam, every reservoir, every sandbar and every hidden bar which causes floods along the streams of our land. It causes the destruction of our city reservoirs, so that I want to point out that it is not simply the problem of the farmer; it is the problem of every municipality in the United States, because unless we can stop the movement of the soil into our streams and in city reservoirs, your great cities and your great industries are going to find themselves without water, and they are going to be as bankrupt as the farmer whose soil has gone into the reservoir.

Mr. MILLER of Kansas. I thank the gentleman for his observation.

We are prone to boast that we are the richest nation on earth. We have also been the most profligate. Shall we waste our substance like the prodigal son, and, like him, live to repent it? Shall we leave to our children the husks of a ravished continent? As a boy, I read in the geography of the time of the inexhaustible forests of Michigan white pine, of the unlimited iron ore in our mountains. And I have lived to read that there are now but two 80-acre tracts or virgin Michigan white pine left in this country, and already we are having to look to shipments of iron ore from Canada to supply our steel mills. Is not that lesson enough? With our population increasing at the rate of three millions per year, with an annual loss of more than 400,000 acres of good land, how long will it be, if we let this loss continue, until we shall be importing food products instead of wondering how to manage surpluses? Let us use our pencils. It would be but a few short years. Mr. Speaker, we must not let this waste continue, and to prevent its continuance is the purpose of the bill which I introduced a few days ago. This bill provides for Federal loans to landowners and operators to encourage and promote soil conservation.

The plan is simple. Already a program of conservation is in operation. The landowners know what to do. They know how to do it. They have the will. They need only the financial assistance to proceed with the work. We even have the political machinery already set up to do the job. All we lack is authorization by the Congress and appropriation of money to set the program in motion. It need not, and it will not, cost the Federal Government a single dime. It will pay its way at all times, and, more than that, it will be the greatest stabilizing influence ever set in motion by this Government. It will immediately stimulate the construction of earth-moving machinery, thereby putting thousands of men to work in mines, steel mills, and factories. It will make room for thousands of young men now taking engineering courses in our colleges. It will make room for other thousands of contractors who will be needed to do the work laid out by these engineers. But, above all, it will stop the drain upon our greatest natural resource—the good topsoil that is the ultimate basis of our life and our prosperity. The one great problem, as in all great undertakings, is that of financing. Many of the landowners are not financially able to carry the work to completion. I know this situation first hand. For a quarter of a century, I put off terracing my land because I did not feel able to finance the operation. Like most farmers, I had interest and taxes to meet, and a family to provide for. These must come first. In recent years, the Federal Government, as a part of the farm program, has rendered valuable assistance. That has been a help to a lot of farmers, and there are billions of tons of soil on the farms now that, but for that program, would be in the Gulf of Mexico. But that program of assistance is not enough to make it possible to push forward the work with the speed which the urgency of the program justifies. The farmer does not want a subsidy or a grant; he is not looking for favors. All he wants is financial assistance. What he needs in this connection is an opportunity to borrow sufficient money to make it possible for him to hire the contractors and buy the necessary articles that are needed to get the work done.

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Kansas. I yield to the gentleman.

Mr. POAGE. I hope the gentleman will understand that I am in full sympathy with what he is trying to do and appreciate the fact that he is offering this Congress a practical way of helping the farmers. I have no desire to criticize anything he says. On the contrary, I commend him for what he says. But I wonder if the gentleman agrees with me that there is one other aspect of this that must be taken into consideration. As I see it, the farmer has got to have an income great enough to justify even borrowing money for so splendid a purpose as soil conservation.

Does the gentleman agree that unless farm prices are at a remunerative level no amount of credit can save the soil of this country, that the farmer has got to have an adequate income?

Mr. MILLER of Kansas. I would say in answer to that that I think it is taken for granted that the income of the farmer must be kept at or near parity.

Mr. POAGE. I know the gentleman from Kansas agrees that farm income should be kept at or near parity. I think I can say that the vast majority of the membership of this House believes that. But, unfortunately, the head of the Department of Agriculture of this Government has suggested that we ought to let the prices of our major farm products drop to some 75 percent of parity, which is a level so low that this Nation has suffered depression every time farm prices have dropped that low in the past. As I see it, should the proposal of the Secretary of Agriculture, Mr. Benson, be enacted into law, the farmers of this country would not have enough income to justify their signing anybody's notes to improve their farm, to protect their land, or even to feed their families. Does the gentleman agree that we simply cannot get along on 75 percent of parity?

Mr. MILLER of Kansas. I agree that we cannot get along and I will say further that we will not get along.

Mr. POAGE. I know the gentleman from Kansas has been in the forefront of the fight to try to maintain a decent standard of prices for farm products in the United States and a decent standard of living for the farmers of the United States, and I know the gentleman from Kansas agrees with me that it is not simply on behalf of the farmers but that it is absolutely necessary for the prosperity of the entire Nation that we maintain at least as high a level of prices as we have today for farm products.

Mr. MILLER of Kansas. I thank the gentleman for his comments.

It is to fill this need that I recently introduced the bill under discussion, making provisions for a program of this kind. It is my intention to ask to appear before the Committee on Agriculture that has this bill in charge, to press for its consideration. This bill does not provide for expenditure of money as such, any more than a loan from a bank to a merchant, to a farmer, to a homeowner, is an expenditure. It provides that the Federal Government shall, under conditions laid down by the Congress, guarantee to private lending institutions that the landowner, borrowing for approved soil-conservation purposes, will repay the loan. It makes it possible for the farmer to go ahead with the conservation work without disturbing his usual farming operations.

This bill should pass the Congress at this session. It will greatly expedite the program of saving the soil by making it possible for every landowner to proceed at all speed to do the work. The program is so extensive, the field of operation so vast, that the execution of the work should have a great stabilizing effect on our national economy during its continuance, and should guarantee to all future generations that the basic asset of the Nation, our fertile soil, shall continue to be the source of our livelihood and the foundation of our prosperity. In the interest of national economy, this bill should be reported out of committee in this session of Congress and should pass both Houses by unanimous vote.

SPECIAL ORDER GRANTED

Mr. PRICE asked and was given permission to address the House for 45 minutes on Monday next, following the legislative program and any special orders heretofore entered.

SOCIAL SECURITY PROGRAM

The SPEAKER. Under previous order of the House, the gentleman from Ohio [Mr. SECREST] is recognized for 15 minutes.

Mr. SECREST. Mr. Speaker, the President has made several recommendations for changes in the social security law. I think they are excellent recommendations and I want to discuss the major ones and hope the Ways and Means Committee will report them to the House for action.

First, I want to discuss President Eisenhower's recommendation to Congress that farmers be included in the social security retirement system. I wanted to know exactly how the farmers of my district felt on this issue so I wrote every farmer asking him to vote "yes" or "no" on the following question: "Do you think farmers should be granted social security retirement on the same basis as independent businessmen and workers?" Each farmer voting signed his name and gave his address so there could be no duplication.

From the day the first social security bill passed Congress until now I have done everything in my power to improve the law, to soundly extend its coverage, as well as its benefits, and to make sure that nothing would be done that would impair the trust fund. I want to make certain that the system is sound and that there will be adequate funds to retire all who are entitled to it—not only 10 years from now, but 50 or 100 years from now. The inclusion of farmers will add a great force on the side of independent businessmen and workers who have already a vital stake in the protection of the social security trust fund. Give these three great groups—farmers, workers, and businessmen—a common interest in the law and you will set up the greatest possible guaranty that no future Congress will ever dare to dissipate the fund upon which the future plans of so many people have been made.

You propose in this bill to allow State employees to come into the system if two-thirds of them vote to do so. Why not allow farmers to vote by counties, congressional districts, or States in the same manner? Make it by a majority vote or a three-fourths vote. My only concern is that those farmers who want to be included in the system may get in. I am not so much concerned with the details as I am the result.

The farmer works long hours. He feeds the Nation. He must pay social security tax on his regular hired help. A farmer may be well-to-do at 50. At 65 he may be destitute. Low prices, drought, depression, fire, sickness, disease of livestock, flood, unwise investments may, and often do, take every cent of his life's savings. His hired hand retires. His neighbor who worked in a factory retires. Teachers retire, State employees retire, railroad workers retire, Government workers retire, yes, even Congressmen retire. The farmer alone must struggle and toil to the end of his days. I cannot believe that there is anyone who would deny the farmer the same security, when on the same basis he pays for it, that is enjoyed by nearly every other person in our country. I am on solid ground when I plead for equality on behalf of the farmers of my district and this Nation. At least, we should offer them some way to come into the social security system.

If farmers come into the social-security program, the base will be broadened, the trust fund increased, and the whole program strengthened. Social-security funds are invested in Government bonds. Over $18 billion were invested last year, and the trust fund was increased by over $400 million in interest it collected on these bonds. Payments by farmers with the resulting gain in interest earnings would benefit both farmer and worker. Inclusion of farmers in the law would not deplete the present trust fund but would rapidly add to it.

The National Grange, with 92 local granges in my district, has endorsed social security for farmers and will urge that this Congress follow the recommendation of the President.

The Farmers Union also favors bringing farmers under the retirement provisions of the law.

During the debate in the House in 1950 when we were amending the social-security law, I asked why farmers were not included. I was told by the gentleman from Tennessee, who was handling the bill, that farm organizations had not requested it. Today two of the largest farm organizations in the country, the National Grange and the Farmers Union, are requesting it. So far as I know, no organization of farmers is opposing it.

The farmers of my district are sincere, responsible, loyal Americans. Over 90 percent of them own their farms. In the finest sense I know they represent a sound cross section of the farmers of our Nation. If farmers are covered by social security, I assume they would pay once each year when they pay income tax just as independent businessmen do now.

I think my poll is the most complete taken in any part of the country, and certainly the large number of replies is phenomenal. Each farmer was given a chance to express an opinion. About one-fourth of my farmers have voted, and each mail brings additional votes. To date I have received 3,266 replies, and 2,933, or more than 89 percent, voted to come under the social-security program; 333, or less than 11 percent, voted "No." This is about 9 to 1.

I urge this Congress to seriously consider the recommendations of the President as it relates to more than 6 million of the Nation's farmers. Since 1937 over 90 million other people have worked in jobs covered by the act. Why deny our farmers? Already they have been neglected too long.

I was coauthor of the bill in the Ohio Legislature that brought gasoline-tax money for the farmers' roads. I have fought for years that all the farmers of my district might have rural electrification. Now I want to get real social-security retirement for the farmers of my district who want to come under the program.

If I can live to see this done, I will have helped to perform my greatest congressional service, not only to my farmers, but to my independent businessmen and workers who have been for years under the social-security program.

There are seven counties in my district. Results to date from each county are as follows:

County	Yes	No
Guernsey	515	79
Monroe	352	22
Morgan	262	21
Muskingum	735	101
Noble	230	16
Perry	231	43
Washington	608	51
Total	2,933	333

In addition to coverage for farmers, I wish to urge the Congress to approve the provisions in the bill to increase retirement benefits for those who have retired and those who will retire after the bill becomes law. The increase of the minimum payment from $25 to $30 is a step in the right direction. The President has said these increases can be made with no danger to the solvency of the retirement fund.

Another provision I wish to endorse is the one that eliminates the worst 4 years in a worker's record in figuring his average earnings upon which the amount of his pension is determined. Many men reach the age of 60 and cannot find work. Each year they wait for retirement sees the amount of the retirement they will get go down and down. Elimination of 4 years of unemployment due to sickness, age, or depression will result in a higher retirement rate for many workers and others. It is a just amendment to the existing law.

Another fine provision of this bill is the preservation of insurance rights of disabled persons. It is similar to the waiver of insurance premiums during total disability, now a part of many life insurance policies. The period a worker or other person covered by the act is disabled will not be counted in figuring the amount of his retirement or the amount to be paid his wife or family if he dies. This freeze of benefits during a period of long disability is one of the finest amendments to the act that has ever been proposed. In every such case it will mean much greater retirement benefits for the disabled and his dependents.

The social-security system is the greatest insurance we have against a terrible depression. We could lower the retirement age to 60, as eventually we must and should, and, in 1 day open millions of jobs for the young unemployed. If older farmers could retire, we would not have the great farm surpluses we have today, and toward which they contribute because they cannot afford to quit.

I have long fought for a national system of retirement that would include all our citizens. The efforts many of us have made along this line through the years have, in my opinion, resulted in many of the excellent improvements that have been made to the Social Security Act.

Mr. Speaker, I have discussed only the major changes proposed to the present law. I think they will make the Social Security Act far better and much

stronger. That is why I have urged the committee to report H. R. 7199 and I hope Congress will enact it into law.

OUTSTANDING BOOK CRITICIZING PRESENT MONETARY POLICY BY WELL-INFORMED AUTHORS JUST OUT

The SPEAKER. Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 20 minutes.

Mr. PATMAN. Mr. Speaker, I have just read an advance copy of a study entitled "The Hard Money Crusade" by Bertram Gross and Wilfred Lumer, which is to be issued this coming Friday, April 9, by the Public Affairs Institute of this city.

April 9 is an appropriate date. Exactly 1 year before we read the announcement that the Treasury was going to issue 30-year Government bonds and pay a record interest rate of 3¼ percent. The announcement marked the beginning of the current recession. The issue is already called the Humphrey-Burgess boner. It was heralded as a step to halt inflation, although the inflation had been halted months before. It was supposed to "take the bubble off the boom" when there was no bubble.

It is painfully apparent to everyone today that this determined boosting of interest was an enormous mistake for everyone except big bankers, just as it was apparent to a few of us a year ago. The bonds are now selling at more than $109 per $100 of par value. Speculators and insiders have made a cleaning on the issue, and Uncle Sam will have to pay millions of dollars in extra interest this year and for years to come, as the price of this tragic mistake.

Revised Budget Bureau estimates published in August 1953, indicated that rises in interest rates since January 1953 had increased the cost on the national debt $155 million. The Budget estimate for fiscal 1955 estimates that interest payments will be nearly $300 million above fiscal 1953 because of "higher average interest rates and the larger public debt."

Tremendous increases in interest costs on both public and private debt, Mr. Speaker, are only a minor part of the total cost of the hard money policy. It has been a major cause of the recession. Millions are unemployed. Billions in production have been lost—and there is no end in sight. The architects of gloom and doom—the men who planned and launched this recession—still see no need for aggressive action to halt it. Their latest economic nonsense is that the Easter bonnet trade should taper it off.

The authors of the Hard Money Crusade have traced it from its beginnings back in 1946, down through its effects on purchasing power, on distribution of income, and the level of economic activity.

The study shows that the Committee on Public Debt Policy, an organization of bank and insurance company executives set up in 1946, provided the intellectual leadership for the long campaign to boost interest rates.

Chairman and guiding genius was W. Randolph Burgess, then vice chairman of the National City Bank of New York, subsequently to become chairman of the same bank's executive committee and later deputy to the Secretary of the Treasury.

Mr. Burgess' associate and the vice chairman of the committee was John Sinclair, president of the National Industrial Conference Board, NAM's national research organization, which was at that time engaged in a campaign to discredit direct economic stabilization controls and the philosophy of the Employment Act.

"We must restore flexibility to interest rates so as to give the monetary authorities more freedom in determining credit policies," was a key slogan in the committee's publications on national-debt policy.

When Mr. Burgess was appointed to his present post, the policy advocated by the committee became Treasury debt-management policy.

Nine days after the new administration took office, the Public Affairs Institute report notes, the Treasury undertook the first in a series of interest-boosting moves. The fact that inflationary forces had been dormant for more than a year and that price stability had been established did not deter the Treasury. An obvious result of these moves, the authors write, "has been a substantial transfer of income from borrowers to lenders."

Bank profits have jumped. In 1953, the report points out, 328 leading commercial bank corporations boosted their net profits after taxes to $662 million, up $65 million, or 11 percent, since 1952. In 1952 leading bank earnings were up 8 percent above 1951.

In addition to increasing lenders' profits the report states the Treasury moves helped "set the stage for a corrective recession desired by certain members of the hard-money coalition."

Listed in the Hard Money Crusade as successors to the Committee on Public Debt Policy in the continuing campaign to make permanent the revival of monetary policy, to restore interest rates to their predepression levels and lenders to the position of prestige and power they formerly enjoyed in national economic affairs, are the New York Clearing House Association, the New York State Bankers Association, and the American Bankers Association.

The study subjects to critical examination many of the arguments used to rationalize the drive for higher interest rates. Among these was the myth of counterbalancing savings. A frequently employed argument was one that said the "Government and consumers would save billions through lower prices." Deputy to the Secretary of Treasury Burgess argued, "this higher interest cost will be offset many times over if it lessens the risk of inflation—higher prices for all—or deflation which has often meant depression."

The authors reply:

> If the hard-money program should lead from readjustment to depression instead of producing savings to counterbalance increased interest expenditures it would lead to additional Federal spending and a still larger Federal debt.

Similarly, the report takes up such arguments as higher interest rates are needed to promote savings, to stabilize investment, to promote price stability, and others that were used to justify the new policies. It concludes that other factors play a more decisive role than interest rates in promoting the desired objectives. The authors also demonstrate that the empirical evidence does not support the view that increases in the money supply necessarily lead to increases in the price level.

Our 1953 experience, Gross and Lumer state, calls for a reappraisal of the Douglas subcommittee conclusions regarding the use of general credit controls, and the utility of flexible monetary and interest rate policies for economic stabilization purposes. The most recent results of the exercise of these powers are plainly visible in the current recession. They confirm the fear of the minority that it is extremely difficult to select the appropriate time to institute changes. Even admittedly small changes produced larger reactions than may have been intended. Finally, the authors say, the resultant overreliance upon purely monetary measures to reverse the decline, despite abundant historical evidence that this was sheer folly, has made the case for flexibility very weak.

Mr. Lumer and Mr. Gross recommend:

> Statutory interest rate ceilings should be extended to all Treasury securities * * * the record of discretionary policy in the United States places the burden of proof upon those who say such ceilings would impair the flexibility needed to deal with inflation * * * Congress can determine whether ceiling rates need adjustment in the event of an emergency * * * the disadvantages of upward fluctuations in rates paid or in yields on Treasury securities far outweigh any advantages. The results are haphazard; the benefits accrue mainly to bankers.

Mr. Speaker, I was honored by being asked to write a foreword to this study. Prof. Seymour Harris, of Harvard University, a noted economist, has contributed a prefatory essay.

The Public Affairs Institute and the authors of this work are well known to many of us. The institute is a nonprofit, nonpartisan research organization here in Washington. Bert Gross has served on the staff of some of our congressional committees. He was executive secretary of the Council of Economic Advisers. Recently McGraw-Hill published his book, the Legislative Struggle.

Wilfred Lumer is a member of the economics staff of the Public Affairs Institute.

The new study will prove to be currently useful to every Member who will take the time to read it.

Debt management and credit policy are at the core of our economic problems today. When we consider housing, public power projects, public works, or interest rates on Government credit, we are dealing with issues related to, or affected by, debt management and credit policy.

I wish it were possible to put this whole work in the CONGRESSIONAL RECORD but it is not. I am therefore advertising it as best I can as a work that well-informed Members of the Congress will obtain and read carefully.

I am inserting herewith a news release concerning the book and a table of contents:

[Public Affairs Institute news release, Washington, D. C., April 9, 1954]

THE HARD-MONEY CRUSADE

The administration's hard-money and flexible-interest-rate policies, put into effect a year ago, helped bring on the current recession.

They should be replaced with an adequate money supply and low, stable interest rates to help us climb back to a high-level maximum-employment economy which will grow with the Nation.

These are conclusions of a study released today by the Public Affairs Institute entitled "The Hard-Money Crusade."

The report recommends that Congress set ceilings on interest paid on all Federal securities issues and on loans made or guaranteed by the Government. This would assure that Federal debt management and credit policies will promote the "maximum employment and purchasing power" objectives of the Full Employment Act of 1946. It would sharply limit the power of Treasury or Federal Reserve to restrict economic activity, and it would prevent a repetition of any "ill-timed and costly" interest increase like the 3¼-percent 30-year bond issue announced by Treasury just a year ago.

The hard-money report was prepared for the institute by Bertram Gross and Wilfred Lumer. Gross is former executive secretary of the Council of Economic Advisers and author of The Legislative Struggle, recently published by McGraw-Hill. Lumer is a member of the PAI economics staff.

Public Affairs Institute is a nonprofit, nonpartisan research foundation in Washington.

"The only credit policy that will help create an atmosphere of justifiable confidence, and which is needed to remove uncertainty about the future, is one which promotes an ample supply of credit at low rates which can be relied upon to remain stable," Gross and Lumer contend in their study.

"Tight credit and high interest rates produce economic contraction. Fluctuating interest rates introduce an element of uncertainty about the future * * * which can only serve speculators and insiders. Expectations play a major role in the decisions made by investors, producers, and consumers."

In their report, the authors contend that the early 1953 Treasury debt management policy followed a long planned campaign by banking and insurance companies to raise interest rates. The crusade, they say, was started in 1946 with the formation of the Committee on Public Debt Policy. The committee was headed by W. Randolph Burgess, then of the National City Bank of New York, now deputy to the Secretary of the Treasury in charge of debt management policy.

The Burgess committee, made up of leading banking and insurance executives, published a series of pamphlets on national debt policy urging higher interest rates. With Burgess' appointment to his present Treasury post, the debt policy advocated by this committee of private financiers became the public Federal debt policy and the hard-money crusade was launched.

Apart from the bankers and insurance companies' desire for large profits, a common objective of the hard-money coalition, the authors declare, was the subordination of the full employment mandate of the Employment Act of 1946 to the goal of price stability.

Immediately upon taking office the new administration announced it was taking steps to bring back a sound dollar. They were not stopped, the authors point out, by the fact that inflationary forces had subsided a year earlier and prices were already stabilized. The Treasury raised interest rates and the Federal Reserve contracted the money supply.

"As a result," the study says, "during the first 6 months of 1953, there occurred a succession of widespread and dramatic increases in interest rates unparalleled in recent history. We have seen an equally historic change in credit policy from one favoring business accommodation to one in which credit was steadily tightened and rationed to the highest bidder."

When the interest-boosting spiral threatened to reach runaway proportions in May 1953, and after the market for Government securities had reached a state of disorder, on June 1, 1953, the study reports "the money managers decided that a temporary letup was in order."

The authors point out that although the high-interest rate and tight-credit program was supposed to curb inflation "after 6 months of rising rates United States Steel, Standard Oil, Alcoa, and General Electric raised their prices anyway."

The authors point out that interest payments on the national debt will have increased by nearly $300 million by fiscal 1955, and interest on private debts has risen accordingly.

"The obvious result," they continue, "has been a substantial transfer of income from borrowers to lenders." In 1952 the net income of 315 leading commercial bank corporations was $533 million, 8 percent higher than 1951. In 1953, the National City Bank of New York reported, the net income of the 328 leading commercial bank corporations rose $65 million or an additional 11 percent.

The 1953 experience, Gross & Lumer believe, provided an outstanding example of the major danger of flexible-credit and debt-management policies. It is extremely difficult to select the appropriate time to institute changes, they maintain, and even small changes can produce larger results than may have been intended.

Prof. Seymour Harris, of Harvard University, a recognized authority on the Federal Reserve System, contributed an introductory essay to the Public Affairs Institute study. He sets in historical perspective the political and theoretical significance of the monetary stringency and the issue of free markets. Congressman WRIGHT PATMAN, Democrat, of Texas, member of the Joint Congressional Committee on the Economic Report and chairman of the Patman Subcommittee on Monetary, Credit, and Debt-Management Policies, wrote a foreword to the study which relates the crusade for hard money and the antipathy of certain financial groups to the Employment Act.

The report includes an appendix of 30 key and comprehensive statistical tables.

Interest rate increases create speculative opportunities for privileged groups.
1. Bargain buys of bonds below par.
2. "Free-riding."
3. International speculators.
Summary.
VI. The cost of higher rates to the Federal Government.
Recent growth in interest expenditures.
1. Increases from 1945 to 1952.
2. Increases in 1953.
Possible future growth in interest expenditures.
The myth of counterbalancing savings.
The fact of additional losses.
1. Loss of Federal Reserve System's payments to the Treasury.
2. The loss of tax revenues.
Some implications of larger interest expenditures.
Alternative uses of higher interest expenditures.
VII. Fallacies and facts on interest rates and credit.
VIII. Basic elements in a sound credit policy program.
Orientation toward full employment and an expanding economy.
1. The objective of sustainable economic growth.
2. Alternative No. 1: Compensatory economics.
3. Alternative No. 2: Recessionary economics.
An expanding supply of money and low-cost credit.
1. Needed growth in money supply.
2. Needed growth in supply of low-cost credit.
Government borrowing at low rates.
1. Rate ceilings needed on Government borrowing.
2. Federal Reserve System support of Government securities market.
3. The problem of interest subsidies to commercial banks.
Ample, low-cost credit for private borrowers.
1. Federal Reserve rediscount rate.
2. Government loans and guaranties.
Measures to prevent excessive or undesirable use of credit.
1. Selective credit controls.
2. General credit controls.
3. Direct controls on the volume of loans.
The dangers in current policies.
IX. Appendix.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HESELTON (at the request of Mr. WIGGLESWORTH) for today, on account of illness.

Mr. JUDD for 2 days on account of illness in his family.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. LECOMPTE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H. R. 962. An act for the relief of Gabrielle Marie Smith (nee Staub);

H. R. 1148. An act for the relief of Antonino Cangialosi (or Anthony Consola);

H. R. 1529. An act to facilitate the development of building materials in Alaska through the removal of volcanic ash from portions of Katmai National Monument, Alaska, and for other purposes;

H. R. 1568. An act to amend section 6 of chapter 786 of the act of June 6, 1900, entitled "An act making further provision for a civil government for Alaska, and for other purposes" (31 Stat. 323; title 48, sec. 108, U. S. C.);

H. R. 2351. An act for the relief of Sam Rosenblat;

H. R. 2441. An act for the relief of Husnu Ataullah Berker;

H. R. 2747. An act to amend title 17 of the United States Code entitled "Copyrights" with respect to the day for taking action when the last day for taking such action falls on Saturday, Sunday, or a holiday;

H. R. 3045. An act for the relief of Nickolas K. Ioannides;

H. R. 3306. An act to provide for the relief of certain reclamation homestead entrymen;

H. R. 3961. An act for the relief of Margherita Di Meo;

H. R. 4024. An act to change the name of the Appomattox Court House National Historical Monument to the Appomattox Court House National Historical Park;

H. R. 4056. An act for the relief of Manfred Singer;

H. R. 4707. An act for the relief of Lee Yim Quon;

H. R. 4738. An act for the relief of Gabriel Hittrich;

H. R. 4886. An act for the relief of Ingrid Birgitta Maria Colwell (nee Friberg);

H. R. 4984. An act to remove certain limitations upon the sale or conveyance of land heretofore conveyed to the city of Miles City, Mont., by the United States;

H. R. 5085. An act for the relief of Mrs. Marie Tcherepnin;

H. R. 5529. An act to preserve within Manassas National Battlefield Park, Va., the most important historic properties relating to the Battles of Manassas, and for other purposes;

H. R. 6434. An act to amend sections 401 and 701 of the Federal Food, Drug, and Cosmetic Act so as to simplify the procedures governing the establishment of food standards; and

H. J. Res. 238. Joint resolution granting the status and permanent residence to certain aliens.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the RECORD, or to revise and extend remarks, was granted to:

Mr. DAVIS of Wisconsin and to include extraneous matter.

Mr. EDMONDSON and to include extraneous matter.

Mr. HOFFMAN of Michigan immediately following the debate on the bill to be considered today, and to include extraneous matter.

Mr. BOLAND.

Mr. JUDD.

Mrs. FRANCES P. BOLTON.

Mr. SHAFER.

Mr. FRIEDEL.

Mr. GWINN and to include additional matter.

Mr. HART, and to include an editorial.

Mr. MCCORMACK, the remarks he made in Committee of the Whole today, and to include a copy of a bill pending in the Massachusetts Legislature to which he referred and also a letter received by him from the Democratic leader of the Massachusetts State Senate.

ADJOURNMENT

Mr. CANFIELD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 28 minutes p. m.), under its previous order, the House adjourned until tomorrow, Thursday, April 8, 1954, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

1423. Under clause 2 of rule XXIV, a letter from the Acting Archivist of the United States, transmitting a report on records proposed for disposal and lists or schedules covering records proposed for disposal by certain Government agencies was taken from the Speaker's table and referred to the Committee on House Administration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GROSS: Committee on Post Office and Civil Service. S. 2773. An act to amend the act entitled "An act to provide for the transportation and distribution of mails on motor-vehicle routes," approved July 11, 1940 (54 Stat. 756); without amendment (Rept. No. 1490). Referred to the Committee of the Whole House on the State of the Union.

Mr. CORBETT: Committee on Post Office and Civil Service. H. R. 5913. A bill to simplify the handling of postage on newspapers and periodicals; with amendment (Rept. No. 1491). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOFFMAN of Michigan: Committee on Government Operations. Thirteenth intermediate report pertaining to the international operations of the United States; without amendment (Rept. No. 1505). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOFFMAN of Michigan: Committee on Government Operations. Fourteenth intermediate report pertaining to the German Consulate-America House program, part 2; without amendment (Rept. No. 1506). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOFFMAN of Michigan: Committee on Government Operations. H. R. 7477. A bill to authorize the collection of indebtedness of military and civilian personnel resulting from erroneous payments, and for other purposes; with amendment (Rept. No. 1507). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GRAHAM: Committee on the Judiciary. H. R. 868. A bill for the relief of Ciriaco Catino; with amendment (Rept. No. 1492). Referred to the Committee of the Whole House.

Miss THOMPSON of Michigan: Committee on the Judiciary. H. R. 733. A bill for the relief of Hildegard H. Nelson; with amendment (Rept. No. 1493). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. R. 944. A bill for the relief of Mr.

and Mrs. Lyguim Sowinski; with amendment (Rept. No. 1494). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. R. 1115. A bill for the relief of Mrs. Suhula Adata; with amendment (Rept. No. 1495). Referred to the Committee of the Whole House.

Miss THOMPSON of Michigan: Committee on the Judiciary. H. R. 1673. A bill for the relief of James I. Smith; without amendment (Rept. No. 1496). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H. R. 1762. A bill for the relief of Sugako Nakai; with amendment (Rept. No. 1497). Referred to the Committee of the Whole House.

Mr. HYDE: Committee on the Judiciary. H. R. 1768. A bill for the relief of Claire Louise Carey and Vincent F. Carey; without amendment (Rept. No. 1498). Referred to the Committee of the Whole House.

Mr. HYDE: Committee on the Judiciary. H. R. 1788. A bill for the relief of Wanda Luceri, also known as Sister Cecilia; Maria De Padova, also known as Sister Rosanna; Anna Santoro, also known as Sister Natalina; Valentina Ruffoni, also known as Sister Severina; Cosima Russo, also known as Sister Carmelina; without amendment (Rept. No. 1499). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. R. 1912. A bill for the relief of Hayik (Jirair) Vartiyan and Annemarie Vartiyan; with amendment (Rept. No. 1500). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. R. 2028. A bill for the relief of Mrs. Antonietta Palmieri; with amendment (Rept. No. 1501). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. R. 2181. A bill for the relief of Richard Karl Hoffman; without amendment (Rept. No. 1502). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H. R. 2403. A bill to adjust the status of a displaced person in the United States who does not meet all the requirements of section 4 of the Displaced Persons Act; with amendment (Rept. No. 1503). Referred to the Committee of the Whole House.

Mr. HYDE: Committee on the Judiciary. H. R. 2627. A bill for the relief of Cecilia Lucy Boyack; without amendment (Rept. No. 1504). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BUDGE:

H. R. 8744. A bill to amend title 18 of the United States Code to make it a crime to televise advertising showing pictures of persons pouring, drinking, or opening containers of alcoholic liquors; to the Committee on the Judiciary.

By Mr. DONDERO:

H. R. 8745. A bill to provide reimbursement for the purchase of uniforms and equipment by retired officers of the Regular Army, Air Force, and Navy who are recalled to active duty; to the Committee on Armed Services.

By Mr. FORAND:

H. R. 8746. A bill to provide for further effectuating the act of May 15, 1862, through the exchange of employees of the United States Department of Agriculture and the employees of State political subdivisions or educational institutions; to the Committee on Agriculture.

By Mr. HÉBERT:

H. R. 8747. A bill to modify the project for Intracoastal Waterway in the vicinity of Algiers at New Orleans, La.; to the Committee on Public Works.

By Mr. HOPE:

H. R. 8748. A bill to amend the act of April 6, 1949, as amended by the act of July 14, 1953, to improve the program of emergency loans, and for other purposes; to the Committee on Agriculture.

By Mr. POFF:

H. R. 8749. A bill to amend sections 2151, 2153, 2154, 2155, and 2156 of title 18, United States Code, relating to sabotage; to the Committee on the Judiciary.

By Mr. BERRY:

H. R. 8750. A bill to amend the Agricultural Act of 1949 to provide a limitation on the downward adjustment of price supports for milk and butterfat and the products of milk and butterfat; to the Committee on Agriculture.

By Mr. BOW:

H. R. 8751. A bill to amend the Agricultural Act of 1949 so as to provide that feed grains acquired through price-support operations shall be sold to dairy farmers at prices equivalent to the percentage of parity at which dairy products are being supported; to the Committee on Agriculture.

By Mr. D'EWART:

H. R. 8752. A bill to protect the essential security interests of the United States by stimulating the domestic production of lead and zinc, and for other purposes; to the Committee on Ways and Means.

By Mr. JONAS of North Carolina:

H. R. 8753. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, to authorize the Administrator of General Services to establish and operate motor vehicle pools and systems and to provide office furniture and furnishings when agencies are moved to new locations, to direct the Administrator to report the unauthorized use of Government motor vehicles, and to authorize the United States Civil Service Commission to regulate operators of Government-owned motor vehicles, and for other purposes; to the Committee on Government Operations.

By Mr. MILLER of Nebraska:

H. R. 8754. A bill to provide for a continuance of civil government for the Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

By Mr. PATTEN:

H. R. 8755. A bill to authorize the Secretary of the Interior to sell and convey certain transmission facilities and related property in the State of Arizona; to the Committee on Interior and Insular Affairs.

By Mr. DORN of New York:

H. J. Res. 490. Joint resolution placing individuals who served in the temporary forces of the United States Navy during the Spanish-American War in the same status as those individuals who served in the Army for equal periods of time during that war and who were given furloughs or leaves upon being mustered out of the service; to the Committee on Veterans' Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States to refrain from terminating Federal control and protection of Indian reservations; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES:

H. R. 8756. A bill for the relief of Joseph Delapa; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:

H. R. 8757. A bill for the relief of Mrs. Rosa O. Shannon; to the Committee on Post Office and Civil Service.

By Mr. HUNTER:

H. R. 8758. A bill for the relief of Mr. and Mrs. John C. Pound; to the Committee on the Judiciary.

By Mr. LANE:

H. R. 8759. A bill to provide for publication in the Roll of Honor in the Army Register of the names of the individuals who volunteered and served in trench-fever experiments in the American Expeditionary Force during World War I; to the Committee on Armed Services.

By Mr. LANTAFF:

H. R. 8760. A bill for the relief of Shin Sang Yun; to the Committee on the Judiciary.

By Mr. MORANO:

H. R. 8761. A bill for the relief of Sisters Linda Salerno, Luigiana C. Cairo, Antonietta Impieri, Anna Impieri, Rosina Scarlato, Iolanda Gaglianone, Maria Assunta Scaramuzzo, Franceschina Cauterucci, and Filomena Lupinacci; to the Committee on the Judiciary.

By Mr. PATTEN:

H. R. 8762. A bill for the relief of Martha Stadelmann Wright; to the Committee on the Judiciary.

H. R. 8763. A bill for the relief of Freelin E. Huff; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

626. By Mr. FENTON: Petition of Miss Carrie E. Nye, legislative director, Northumberland County (Pa.) Women's Christian Temperance Union, and others, favoring H. R. 1227, the Bryson bill, to prohibit the transportation in interstate commerce of alcoholic-beverage advertising in newspapers, periodicals, etc., and its broadcasting over radio and television; to the Committee on Interstate and Foreign Commerce.

627. By Mr. MERRILL: Petition signed by Mrs. Arthur Brummitt and other citizens of Evansville, Ind., petitioning for a hearing for the Bryson bill, H. R. 1227, a bill to prohibit the transportation in interstate commerce of alcoholic-beverage advertising in newspapers, periodicals, etc., and its broadcasting over radio and TV; to the Committee on Interstate and Foreign Commerce.

628. Also, petition signed by Mrs. Moravia Coleman and other citizens of Evansville, Ind., petitioning for a hearing for the Bryson bill, H. R. 1227, a bill to prohibit the transportation in interstate commerce of alcoholic-beverage advertising in newspapers, periodicals, etc., and its broadcasting over radio and TV; to the Committee on Interstate and Foreign Commerce.

629. Also, petition signed by Mrs. May Wingert and other citizens of Evansville, Ind., petitioning for a hearing for the Bryson bill, H. R. 1227, a bill to prohibit the transportation in interstate commerce of alcoholic-beverage advertising in newspapers, periodicals, etc., and its broadcasting over radio and TV; to the Committee on Interstate and Foreign Commerce.